986/5- 2

United States
Department of
Agriculture

Food Safety
and Inspection
Service

August 1, 1986

Compilation of Meat and Poultry Inspection Issuances

NEWARK PUBLIC LIBRARY
DEC [illegible]
U. S. [illegible]
DEPOSITORY 326

A 110. 9:

TABLE OF CONTENTS

FSIS Directive 7220.1
Rev. 1

Standards and Labeling Division
Policy Memoranda

The period covered in this Issuance is August 1, 1986.

READEX FICHE best copy available

U.S. DEPARTMENT OF AGRICULTURE
Memorandum

FOOD SAFETY AND QUALITY SERVICE

POLICY MEMO 001

TO : Branch Chiefs

DA MAY 6 1980

Robert G. Hibbert

FROM : Robert G. Hibbert, Acting Director, MPSLD

SUBJECT: Pizzas Containing Cheese Substitutes (9 CFR 319.600)

Issue: Appropriate labeling requirement for pizza products containing both cheese and cheese substitutes.

Policy: Labels which contain cheese in a ratio of at least one part per nine parts cheese substitute and which otherwise comply with the requirements of the standard may be approved. Labels of product with cheese in smaller amounts must contain additional qualifying information.

Basis: The current regulation specifies cheese as a necessary charactering ingredient in product to be labeled pizza. It does not specify percentages nor does it address questions regarding the use of cheese substitutes. Informal policy has evolved which has permitted label approvals without qualifying information, as long as the product contains some cheese, but concerns have developed that consumers might be misled by labels of products in which the actual cheese content is very low. These issues may not be fully resolved until the completion of pending rulemaking. Nevertheless an interim policy decision is necessary to assure that product is not misbranded. This policy should assure that the product is sufficiently characterized by cheese ingredient without imposing any substantial burden upon those who have relied on the policy as it has developed to date.

FSQS FORM 2630-5 (4/78)

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo 002

MAY 30 1980

Robert G. Hibbert

From: Robert G. Hibbert, Acting Director, MPSLD

Subject: Butifarra-Sausage (319.140 - 319.141)

ISSUE: Appropriate labeling for sausage product featuring the term "Butifarra"

POLICY: Labeling that features the term "Butifarra" would require in addition one of the following product names:

Pork Sausage - for those products that meet the fresh pork sausage standard.

Fresh Sausage - for those products that include by-product but do not meet the standard for pork sausage.

Sausage - for those products that are incubated or fermented.

The term "Puertorrican Style" would be applicable if manufactured in Puerto Rico. Other label applications will be considered on an individual basis.

BASIS: To the best of our knowledge the English translation of Butifarra is Sausage.

Information from inspection located in Puerto Rico indicates that Butifarra is historically an uncured sausage made in several different ways according to the locality.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo 003

Robert G. Hibbert

JUN 10 1980

From: Robert G. Hibbert
Acting Director
MPSLD

Subject: Reduced Price or Money Saving Claims

ISSUE: Guidelines for approval of these claims.

POLICY: Claims suggesting or stating that a product or a line of products are being sold at a price that is less than the customary or ordinary price for that product or similar products may be used under the following conditions:

The company initiating the claims must be capable, upon request, of verifying that the cost of the product to the retailer has been reduced sufficiently to enable the retailer to pass the price reduction on to the consumer. This may entail the keeping, maintaining, or securing of invoices and other records through all levels of commerce. A company unable to produce sufficient verification upon request or a company identified by an inspector in charge of not fulfilling the claims stated will have all such labels rescinded and will not obtain approval for any labels with similar claims until the company can demonstrate the ability to ensure their accuracy.

BASIS: Previous regulation and policy have not addressed the use of reduced price or money saving claims which are becoming more prevalent throughout the marketplace. However, it is the responsibility of the Department through the prior label system to ensure that all labeling terminology is accurate and not misleading. At the time of label approval the information necessary to assure the validity of such a claim may not be available. Thus the labels will be approved with the understanding that firms are responsible for demonstrating that the foods are being offerred to the consumer at reduced prices commensurate with a claim. The goal of this policy is to establish guidelines for the use of these terms while not unnecessarily involving the staff in questions of pricing policy.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo # 004 A

Robert G. Hibbert

AUG 20 1980

From: Robert G. Hibbert
Director
Meat and Poultry Standards
and Labeling Division

Subject: Sweet Red Peppers and Pimientos

ISSUE: The labeling of sweet red peppers as pimientos.

DECISION: Pimientos are classified as a variety of sweet red peppers however, not all sweet red peppers are pimientos. To use pimiento in a product name, e.g., "Pickle and Pimiento Loaf," pimientos must be the variety of sweet red peppers used. See also Section 17.13(0)(3) of the Meat and Poultry Inspection Manual.

RATIONALE: In the past, sweet red peppers have been considered as pimientos. However, according to several references, pimientos are defined only as a variety of sweet red peppers. Therefore, all types of sweet red peppers would not fulfill the definition of pimiento. This policy should assure that products with pimiento in the product name contain pimientos.

FSQS 2630-5 (12/79)

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo # 005

Robert G. Hibbert

JUL 30 1980

From: Robert G. Hibbert
Acting Director
Meat and Poultry Standards
and Labeling Division

Subject: Cooked Sausages (319.180) Containing More Poultry than Permitted

ISSUE: The appropriate labeling of cooked red meat sausage products of the 319.180 variety containing more than the 15 percent poultry permitted by the regulations.

DECISION: Cooked red meat sausages conforming to the standard under section 319.180 but containing more than the 15 percent poultry permitted are to be labeled with the generally recognized names prescribed in the standard, i.e., frankfurter, bologna, vienna sausage, etc. Furthermore, the product name must be descriptive and include the name of the poultry component, e.g., Beef, Chicken, and Pork Bologna. Other labeling requirements prescribed in 319.180 are to be followed.

RATIONALE: Products conforming to the standards prescribed in 319.180 of the meat regulations and containing up to 15% poultry or poultry meat are labeled with names as "Bologna," "Frankfurter," etc. If poultry (skin in natural proportions) is used these names are qualified with the phrase "with variety meats (or byproducts)." Products containing more poultry than red meat components bear names that also include "Bologna," "Frankfurter," etc., e.g., Chicken Bologna. The labeling of products containing between 15 and 50% poultry and/or poultry meat has never been firmly established and several different names have been applied. The decision identified would provide labeling that is informative and would be consistent with the labeling prescribed and applied to the other two groups identified above. The policy decision is also consistent with the principle of providing descriptive names in lieu of "imitation" labeling for products that are not nutritionally inferior to the standardized product.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo 006

Robert G Hibbert

JUL 30 1980

From: Robert Hibbert, Director
MPSLD

Subject: Poultry Salami Products (Policy Book page 144)

ISSUE: Product names that will truthfully and accurately describe the type of salami made from poultry.

DECISION: Poultry sausages prepared to resemble salami and offered to consumers as a salami shall bear product names as follows:

1. "(Kind) Salami," e.g., Turkey Salami, shall be the product name when the moisture to protein ratio in the finished product does not exceed 1.9:1. This product resembles a dry salami made from red meats.
2. "Cooked (Kind) Salami," e.g., Cooked Turkey Salami, shall be the product name when the product is cooked and the moisture to protein ratio is above 1.9:1. This product resembles a "Cooked Salami" made from red meats.

RATIONALE: Labels have been inadvertently approved bearing the product name "(Kind) Salami," e.g., Turkey Salami for both cooked and dry varieties of poultry salami. This decision reiterates the policy identified in the Policy Book and is consistent with the policy followed for the labeling of red meat salami products. The consistency afforded by the policy provides a descriptive product name that allows the consumer to make an informed value judgment in the market place.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs

Policy Memo 007

AUG 20 1980

Robert G. Hibbert

From: Robert G. Hibbert
Director
MPSLD

Subject: Information Panel

ISSUE: Guidelines for the use of an information panel

DECISION: The guidelines for the use of the information panel on labels for meat and poultry food products are as follows:

1) Mandatory information that may appear on an information panel includes nutrition information, an ingredients statement and the firm's name and address. The inspection legend and number on cylindrical cans may also appear on the information panel, but must be placed on that 20% area immediately to the right of the principal display panel.

2) The first usable surface to the right of the principal display panel must bear the information panel if used. To determine the usability of a surface for an information panel, surfaces having folded flaps, tear strips, opening flaps, heat sealed typed flaps, or less than adequate space to accommodate the mandatory information should not be considered. Surfaces having information such as vignettes, UPC codes, preparation instructions, serving suggestions, etc., are considered usable and such information should be displaced if an information panel is used.

3) The information panel may be any size. However, where a surface is larger than needed to accommodate the mandatory information, the information panel is a section of that surface and must contain all mandatory information in one place without intervening nonmandatory information such as UPC symbols, preparation instructions, designs, etc. In such cases, the information panel should be placed to the left of any such large surface. It may be positioned near the top, near the bottom, or in the middle, but all mandatory information must appear together.

Branch Chiefs

RATIONALE: MPI Bulletin 75-29 provided for the use of an information panel as defined by the Food and Drug Administration's regulations and in regulations proposed by the Department. These guidelines are generally consistent with these regulations and are intended to clarify the use of an information panel.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

Policy Memo 010

SEP 8 198[illegible]

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Label Approval Guidelines for Sausages Containing Cheese

ISSUE: What are the Guidelines For Sausages Containing Cheese as an Ingredient.

POLICY: Sausages may contain cheese under the following conditions.

1. If there is a standard for that particular sausage it must be met as though it contained no cheese.
2. The cheese must characterize the product and appear as part of the product name. Ex. "Italian Sausage with Cheese," "Salami with Cheese."

BASIS: This policy was established for a product identified as "Sweet Italian Sausage with Cheese and Parsley." See Control Sheet 78-158 dated December 20, 1978. It is felt the addition of cheese with proper label declaration is a product in itself and that the sausage identified must meet the standard for that particular sausage without cheese.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

Policy Memo 011

SEP 8 1980

From: Robert G. Hibbert, Director
MPSLD

for RGH

Subject: Label Approval Guidelines for Sausages and Pudding Containing Potatoes

ISSUE: What are the appropriate guidelines for these products?

POLICY: Labels for sausages and pudding identified as "Potato Sausage," "Potato Brand Sausage," "Potato Ring," and "Potato Brand Sausage" should be approved under the following guidelines:

1. The product must contain a minimum of 45% meat and no byproducts.
2. Water must be limited to 3% at formulation.
3. When extenders or binders are used, they must be limited to 3.5% and 2% of the finished product.
4. The product must include a minimum of 18% potatoes.

Sausage identified as "Swedish Style Potato Sausage" is provided for under the following guidelines:

1. The product must contain a minimum of 65% meat and no byproducts.
2. Water must be limited to 3% at formulation.
3. No extenders or binders are permitted.
4. The product must include a minimum of 18% potatoes.

Meat food product identified as "Potato Pudding" is provided for under the following guidelines:

1. The product must contain a minimum of 18% potatoes.
2. The product does not meet the other requirements for products identified as "Potato Sausage," "Potato Ring," or "Swedish Style Potato Sausage."

BASIS: The present policies concerning sausages that contain potatoes are confusing and difficult to follow. This delineation of policy will hopefully serve to clarify the matter without departing to any great extent from past practices or approvals.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

Policy Memo 012

SEP 8 1980

Robert G Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Uncooked Meat and Poultry Teriyaki

ISSUE: Can a meat food product be identified as a Teriyaki product without being cooked?

POLICY: We are not requiring that a meat or poultry teriyaki be cooked provided certain labeling requirements are met. The label must be so designed that a prominent statement is on the principal display panel informing the consumer that the product is not cooked. Example" "Ready to Bake," "Ready to Cook" and "Raw."

BASIS: Further review of information presented has indicated that meat and/or poultry marinated in teriyaki sauce would be recognized as teriyaki and that a consumer would cook prior to consumption. It is felt that prominent labeling relating the fact that the product is not cooked must be on the principal display panel.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

POLICY MEMO 013

SEP 12 1980

Robert G Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Chili Verde and Chili Colorado

ISSUE: Required ingredients for products labeled "Chili Verde" and "Chili Colorado."

POLICY: "Chili Verde" meets the requirements of § 319.300 and the chili peppers used are exclusively green chilis or verde chili peppers. If a prepared chili powder is used, it must have been prepared from exclusively green chilies or verde chili peppers. "Chili Verde with Beans" shall comply with §319.301 and the above requirements for "chili verde."

Chili Colorado meets the requirements of §319.300 and the chili peppers used are exclusively the red variety. If a prepared chili powder is used it must be prepared from exclusively red chili peppers. "Chili Colorado with Beans" shall comply with §319.301 and the above requirements for "Chili Colorado."

BASIS: Chili peppers are available both as the red and green varieties. It is common to prepare Mexican and Spanish dishes with one or the other exclusively and identify the product as "Verde" (green) or as Colorado or Rojo (Red).

The word "Colorado" is used for red more than "Rojo" in Mexico. The term "Rojo" is used more in Spain, Puerto Rico, and Cuba.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

Policy Memo 014

SEP 12 1980

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Handling Statements in Addition to the Requirements of 9 CFR 317.2(k) and 9 CFR 381.125

ISSUE: Acceptable handling statements in addition to those required in sections 317.2(k) and 381.125 of the Code of Federal Regulations.

POLICY: Labels that feature terms such as, "Keep Refrigerated-May Be Frozen" or "Keep Refrigerated-Can Be Frozen" are considered acceptable informative phrases.

RATIONALE: After reviewing data of prior label approvals and input from the label reviewers, we found this has been accepted for some time and apparently serves a consumer need for acceptable handling after purchase.

FSQS 2630-3 (12/79)

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 15A

To : Branch Chiefs
MPSLD

Date: JUN 22 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
MPSLD

Subject: Sausage Product Labeled Linguica - 9CFR 319.140

ISSUE: Standard for product labeled "Linguica."

POLICY: This replaces Policy Memo #15 on Linguica. Sausage product labeled "Linguica" is considered to be a Portuguese-type sausage containing pork to the exclusion of other meat and meat by-products and usually containing condiments such as vinegar, cinnamon, cumin seed, garlic, red pepper, salt and sugar. The product may also contain paprika. Linguica usually contains nonfat dry milk and cures are acceptable in this product.

RATIONALE: The present policy combines the standards for Longaniza and Linguica although the two products have different, distinct standards. The standards are being separated to eliminate confusion.

The treatment for trichinae will be determined by the Field Operations program.

FSQS FORM 2630-5 (10/80)

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs, MPSLD

POLICY MEMO 016A

MAR 27 1981

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Combinations of Ground Beef or Hamburger and Soy Products

ISSUE: The labeling of combination ground beef or hamburger and soy products.

POLICY: Combinations of ground beef or hamburger and soy products may be descriptively labeled, e.g., "Hamburger and Textured Vegetable Protein Product" or "Ground Beef and Isolated Soy Protein Product" if the combination product is not nutritionally inferior to hamburger or ground beef. If the combination products are nutritionally inferior, they are to be labeled as Imitation Ground Beef (or Hamburger) or Beef Patty or Beef Patty Mix in accordance with Section 317.2(j)(1) and Section 319.15(c) respectively.

Processors are encouraged to include on the labels of combination products that are descriptively labeled and not nutritionally inferior a nutritional comparison of hamburger or ground beef and the combination products. However, nutrition labeling is not required. The nutritional comparison, when provided, should include information on the meat protein, soy protein, fat, carbohydrate, calorie, and moisture content.

RATIONALE: The descriptive labeling permitted for combination products not nutritionally inferior to ground beef or hamburger is considered to be more useful and informative than the names beef patty or beef patty mix and is in keeping with the Department's policy to allow descriptive labeling, in lieu of imitation labeling, for products which are not nutritionally inferior to a standardized product. Since these combination foods are different with regard to moisture content and the nature of protein, however, it is important that nutrition information be included with labeling so that the consumer can make better comparative nutritional judgments.

FSQS 2630-5 (12/79)

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

Policy Memo 017

DEC 9 1980

Robert G Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Potassium Sorbate

ISSUE: The use of potassium sorbate as an external mold inhibitor on imitation dry sausage products, dry beef snacks, and beef jerky.

POLICY: Potassium sorbate may be used as an external mold inhibitor (applied by dipping or spraying) on imitation dry sausage products, dry beef snacks which may contain soy flour, and beef jerky. The presence of potassium sorbate must be declared on the label.

BASIS: The current regulation (9 CFR 318.7(c)(4)) states that potassium sorbate may be used on dry sausage casings to retard mold growth and in oleomargarine or margarine to preserve the product and to retard mold growth. The regulation has also been interpreted to permit the use of potassium sorbate on beef jerky (letter of I. Fried dated July 26, 1978 and Policy Book, p. 106a).

Imitation dry sausages and dry beef snacks are not unlike dry sausage and beef jerky in terms of moisture/protein ratio. Therefore, label approvals involving external use of potassium sorbate on imitation dry sausage, dry beef snacks and beef jerky represent a consistent application of the regulation.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

DEC 26 1985

To: Branch Chiefs
Standards and Labeling Division

Policy Memo 018 A

From: Margaret O' K. Glavin, actg. Director
Standards and Labeling Division

Subject: Dual Weight Requirements for Stuffed Poultry Labels (9 CFR 381.121 (b))

ISSUE: When must the label on consumer size retail packages of stuffed poultry and other stuffed poultry products declare the total net weight of the product and the minimum weight of the poultry in the product?

POLICY: This replaces Policy Memo 018. Poultry products that consist solely of bone-in poultry and stuffing such as a "Stuffed Turkey" and "Stuffed Turkey Breast" shall bear weight statements on its label indicating the total net weight of the product and a statement indicating the minimum weight of the poultry in the product.

A poultry product such as a dinner or an entree that contains a stuffed poultry product as one of its components needs only the total net weight of the product on the label.

RATIONALE: The amount of stuffing in a whole bone-in bird or part is dependent upon the size of the bird, the bird's cavity, and the extent to which the product is stuffed. Because the amount of stuffing is difficult to determine, the consumer needs to be informed about the amount of poultry in the product compared to the amount of stuffing.

This policy is not applicable to stuffed boneless poultry where the amount of stuffing is not dependant upon cavity size and where the amount of stuffing is more easily determined by examination. Moreover, the stuffing content of these products is generally self-limiting in that the boneless poultry encasement tends to disassemble when overstuffed. Dinner and entree products are also exempt because of the minimum poultry requirements they must meet. For example, the poultry products inspection regulations require a poultry dinner to contain 18 percent or 2 ounces of cooked deboned poultry meat irrespective of the amount of stuffing. The same is true of an entree for which minimum poultry content is based on the total of all components.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

POLICY MEMO 019

JAN 19 1981

From: Robert G. Hibbert, Director
MPSLD

Subject: Negative Ingredient Labeling

ISSUE: Appropriate policy for the approval or denial of meat and poultry product labels bearing negative ingredient statements.

POLICY: The guidelines for the use of negative ingredient statements on meat and poultry product labels are as follows:

1) Negative labeling is allowed if it is not clear from the product name that the ingredient is not present. For example, the use of "no beef" on the label of Turkey Pastrami would clarify that the product is not the traditional beef product.

2) Negative labeling is allowed if the applicant can demonstrate that the statements are beneficial for health purposes, religious preference, or other similar reasons. For example, highlighting the absence of salt in a product would be helpful to those persons on sodium restricted diets.

3) Negative labeling is allowed if the claims are directly linked to the product packaging, as opposed to the product itself. For example, flexible retortable pouches could bear the statement "No Added Preservatives, Refrigeration or Freezing Needed With This New Packaging Method".

4) Negative labeling is allowed when the statements are accurate, with the provision that when such claims call attention to the absence of ingredients in a product that are prohibited by regulation or policy, the statements must clearly and prominently indicate this fact so as not to be misleading or create false impressions. For example, "USDA Federal regulations prohibit the use of preservatives in this product" would be an acceptable statement on a ground beef label.

RATIONALE: It is believed that negative ingredient labeling, if properly employed, can be useful and meaningful to consumers as an aid in understanding product contents. It also offers a simple and direct means of alerting consumers to the absence of ingredients they might not want for health, ethnic or personal reasons. Using the above guidelines, the Agency can protect consumers from claims believed to be misleading without precluding the use of accurate, informative statements on product labels.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 020A

To : Branch Chiefs
MPSLD

Date: MAR 26 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
MPSLD

Subject: Labeling of Cooked Mettwurst

ISSUE: Whether sausage products currently labeled as "Mettwurst" may be precooked and how they should be labeled.

POLICY: Mettwurst is a cured sausage. Mettwurst which is cooked must be labeled "cooked mettwurst," and may contain up to 10 percent water based on the finished product.

RATIONALE: The Policy Book (p. 88) currently states that mettwurst is an uncooked sausage. This presumably reflects traditional practice in which the time interval between production and consumption was shorter than it is today. With the development of larger distribution networks and extended shelf exposure, producers have resorted to cooking mettwurst before it is sold. This is supported by the label approval record which shows that a significant number of products currently labeled as "mettwurst" are pre-cooked. Implementation of this policy will resolve the discrepancy between the Policy Book and the label approval record regarding cooked mettwurst. The water limitation for cooked mettwurst is consistent with that for cooked bratwurst.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs
MPSLD

FEB 9 1981

Policy Memo 021

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Sausage Products Labeled "Longaniza" and "Longaniza Puerto Rican Style"

ISSUES: Standard for product labeled "Longaniza" and "Longaniza Puerto Rican Style"

POLICY: "Longaniza" is an acceptable name for Puerto Rican sausage made from pork which may contain beef but does not contain annatto. "Longaniza Puerto Rican Style" is acceptable labeling for sausage made from pork which may contain beef and does contain annatto. Added fat is not permitted in either product, although up to three percent lard may be used as a carrier for annatto in "Longaniza Puerto Rican Style."

When annatto is used in "Longaniza Puerto Rican Style" it should be included in the ingredients statement as "annatto" and declared on the label by a phrase such as "colored with annatto" in accordance with section 317.2(j)(5) of the meat inspection regulations.

RATIONALE: After discussing the nature of these products and the traditional manufacturing technique used for these products with inspection personnel located in Puerto Rico, it is apparent that a policy change is necessary to more accurately identify and differentiate the content and labeling of these two products. The use of annatto as a distinguishing feature between these two kinds of sausage is supported by a statistical analysis of past label approvals. The treatment for trichinae will be determined by the Field Operations Program.

United States
Department of
Agriculture

Food Safety
and Quality
Service

To: Branch Chiefs, MPSLD

Policy Memo 022A

MAY 5 1981

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Poultry Products Labeled as "Fresh", "Not Frozen", and Similar Terms

ISSUE: Guidelines for use of "fresh", "not frozen" and similar terms when labeling poultry products.

POLICY: Policy memo 022 is hereby rescinded. Terms indicating that a product has not been frozen may be used to label poultry products provided such terms accurately describe the product. Thus, poultry products frozen at any time in accordance with the definition and requirements of section 381.66(e) of the regulations during processing are incorrectly labeled as "not frozen" or "never frozen".

Fresh or other similar terms may not be used on labels of poultry products which have been completely frozen at any time during processing.

At the time of label approval, sufficient processing information must be submitted to assure the accuracy and meaningfulness of "fresh" or "not frozen" claims. If the necessary information is not provided, further verification of claims including possible product samples may be requested from the inspector in charge.

RATIONALE: Since the issuance of policy memo 022, questions have been raised concerning the validity of establishing a broad general policy invalidating the use of "not frozen" terminology. Read broadly the language of memo #022 may be inconsistent with the language of 381.66(e) and with past representation made by the Department in this area. However, there is a need to return some control in this area through label review. A specific poultry product which does not meet the regulatory definition of "frozen" may be labeled in a misleading manner as "not frozen" if the condition of the product closely approximates the frozen state. Label reviewers should carefully scrutinize processing procedures when considering such claims and, when necessary, require supplemental information from the applicant and/or inspector.

United States
Department of
Agriculture

Food Safety
and Quality
Service

FEB 10 1981

POLICY MEMO 023

To: Branch Chiefs

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Labeling of Boneless Ham Products (9 CFR 317.2(b)(13))

ISSUE: Under what circumstances is the use of the term "ham" without qualification an acceptable product name and under what circumstances must the product name be so qualified.

POLICY: The term "sectioned and formed" is no longer required on boneless ham labels. Product previously labeled "ham - sectioned and formed" may now be simply labeled as "ham". The same labeling policy applies to product to which is added small amounts of ground meat as a binder; provided such ground meat is made from trimmings (such as shank meat) that are removed during the sectioning process. The addition of ground meat must be limited to natural proportions and shall not result in any readily discernible appearance of a ground or emulsified product. Ham having any discernible appearance of a ground or emulsified product shall be labeled "a portion of ground ham added." This does not change any labeling policy or conformance with existing product standards. Policies regarding the required use of terminology such as "chunk," "chunked and formed" and "ground and formed" will continue unchanged.

RATIONALE: Although terminology such as "sectioned and formed" has been required for several years, concerns have developed regarding the appropriateness of its use. Rapid advances in meat processing have provided the technology to prepare ham products, with and without ground meat added, that assume all the characteristics associated with the term "ham". Since those products conform to the public's expectations for ham, consumers may be confused or misled by this terminology which seems to connote an inferior product. Moreover, the original requirement has not been uniformly applied at the inspection level. Therefore, discrepancies and confusion exist in areas such as contract bidding.

Certain types of processing, such as grinding, serve to recharacterize the product in a way that is significantly different from that normally expected by consumers. Therefore, qualifiers such as "chunked and formed" and "ground and formed" will continue to be required.

[illegible]

United States
Department of
Agriculture

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

United States
Department of
Agriculture

Food Safety
and Quality
Service

To : Branch Chiefs
MPSLD

Date: APR 28 1981

POLICY MEMO 024

Robert G. Hibbert

From : Robert G. Hibbert, Director
MPSLD

Subject: Canadian Style Bacon

ISSUE: What cut of pork must be used in a product that is labeled "Canadian Style Bacon"?

POLICY: Product which is identified as "Canadian Style Bacon" must be made from the major loin muscle of swine (Longissimus dorsi or eye of the loin). The loin eye muscle must be closely trimmed. Those muscles lying above the loin eye of the shoulder end and both the intercostal meat and layers of thin meat (whether exposed or covered with fat) lying over the remaining loin eye muscle may not be included. Product produced from a whole loin or portions of a whole loin requires a descriptive name such as "Cured Smoked Pork Loin" or "Cured Smoke Pork Loin Ends."

RATIONALE: Over the past ten years, letters have been written to industry specifying that the eye of loin must be used to make Canadian Style Bacon. However, recent review of processing procedures indicates that whole boneless loins are sometimes being used.

This policy statement is consistent with our past policy and with reference materials such as "The Uniform Retail Meat Identity Standards" published by the National Livestock and Meat Board and "The Cook's Companion" by Doris Townsend.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 025

To : Branch Chiefs
MPSLD

Date: MAY 4 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
MPSLD

Subject: Cooking Temperature Requirements for Fully-Cooked Poultry Rolls and Other Poultry Products and Fully-Cooked, Cured, and Smoked Poultry Rolls and Other Cured and Smoked Poultry Products

ISSUE: What are the cooking temperature requirements for poultry rolls and other poultry products and cured and smoked poultry rolls and other cured and smoked poultry products labeled as "fully-cooked," "ready-to-eat," "baked," or "roasted"?

POLICY: In accordance with section 381.150 of the meat and poultry inspection regulations all poultry rolls and other poultry products that are heat processed in any manner shall reach an internal temperature of 160°F prior to being removed from the cooking medium, except that cured and smoked poultry rolls and other cured and smoked poultry products shall reach an internal temperature of at least 155°F prior to being removed from the cooking medium. These products must reach their respective required temperatures in order to qualify for labeling as "fully-cooked," "ready-to-eat" "baked," or "roasted." Additionally, a product to which heat will be applied incidentally to a subsequent processing procedure may be removed from the cooking medium for such processing provided it is immediately returned to the cooking medium in the same establishment and is fully cooked to the previously mentioned required temperatures (section 18.37(3)(c)).

RATIONALE: After discussing these products with Meat and Poultry Inspection, Field Operations Personnel and the Division of Microbiology, it has been determined that poultry rolls and other poultry products cooked to 160°F and cured and smoked poultry rolls and other cured and smoked poultry products cooked to 155°F are fully cooked and safe for human consumption. This policy was established to clarify discrepancies between the Meat and Poultry Inspection Regulations (381.150) and the Meat and Poultry Inspection Manual (18.37(3), parag. 2)

FSQS FORM 2630-5 (10/80)

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 026

To: Branch Chiefs, MPSLD

MAY 5 1981

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Labeling of Water-Added Cured Pork Products

ISSUE: What size packages of water-added cured pork products must be labeled with the term "water added" the full length of the product. (9CFR 319.104(d))?

POLICY: All water-added cured pork products, e.g., whole hams and whole boneless hams, placed in packages larger than 3 pounds must be labeled "water added" the full length of the product. If the firm can demonstrate and that water-added products in packages larger than three pounds are exclusively sold intact to consumers at the retail level, this full-length labeling is not required.

RATIONALE: The labeling requirements prescribed in 319.104(d) for water-added cured pork products are designed to clearly differentiate regular ham products from those that have added water. However, the regulations do not specify what constitutes a consumer-size package and this has presented difficulty in label approval. Consumer-size packages generally are considered of such size that the "water-added" designation need only appear once on a label to clearly alert the consumer of the nature of the product. If packages of water-added products are large enough that they could be halved, sliced, etc., the term, "water-added" must be shown the full length of the product so that any part of the original package would still bear the "water added" designation. For example, most whole hams and whole boneless hams that have added water are presently labeled the full length of the product. A three pound package is considered a reasonable "consumer-size" package for the interpretation of this regulation because it is not commonplace to further divide packages of this size or smaller. It is realized, however, that consumer-size packages of 5, 10, 15 lbs. and higher are not uncommon. Thus, if processors can verify that these packages are not distributed in those channels where subdivision is likely "water added" must not appear the full length of the product.

FSQS 2630-5 (12/79)

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 027

JUN 15 1981

To: Branch Chiefs
MPSLD

Robert G. Hibbert

From: Robert G. Hibbert, Director
MPSLD

Subject: Clarification of "Meat" Definition in Chopped Beef, Ground Beef or Hamburger

ISSUE: What ingredients, defined as meat in the regulations (301.2(tt), may be utilized in preparing chopped beef, ground beef or hamburger (319.15(a) and (b))?

POLICY: Beef of skeletal origin, or from the diaphragm or esophagus (weasand) may be used in the preparation of chopped beef, ground beef or hamburger. Heart meat and tongue meat, as organ meats, are not acceptable ingredients in chopped beef, ground beef or hamburger.

RATIONALE: Historically organ meats such as heart meat and tongue meat have not been permitted as ingredients in chopped beef, ground beef or hamburger. Heart meat and tongue meat have never been considered as beef or permitted to be declared as beef on labels and are not expected ingredients in chopped beef, ground beef or hamburger.

FSQS 2630-8 (12/79)

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 029

To : Branch Chiefs, SLD

Date: SEP 4 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
SLD

Subject: Labeling Poultry Products Containing Livestock Ingredients

ISSUE: How poultry products containing livestock ingredients should be labeled.

POLICY: Poultry products containing livestock ingredients in amounts that exceed 20 percent of the total livestock and poultry product portion of the poultry product must be descriptively labeled to indicate the presence of the livestock ingredients, e.g., Chicken and Beef Stew or Stew made with Chicken and Beef.

Poultry products containing livestock ingredients in amounts at 20 percent or less of the total livestock and poultry product portion of the poultry product must have names that are qualified to indicate the presence of the livestock ingredients, e.g., Chicken Stew-Beef Added.

However, poultry products that do not meet specified minimum poultry ingredient requirements because livestock ingredients are replacing any part of the required poultry ingredients must be descriptively labeled to indicate the presence of livestock ingredients, e.g., Turkey and Pork Chop Suey.

RATIONALE: Consumers do not expect livestock ingredients in products identified as poultry products. Therefore, to ensure that product names of poultry products are not misleading to consumers, the presence of the livestock ingredients should be indicated. In the case of poultry products containing significant quantities of livestock ingredients it is important that the livestock ingredients become a part of the basic product name. Similarly, it is important that poultry products not meeting specified minimum poultry ingredient requirements have descriptive names that include the presence of the livestock ingredients. The use of a qualifier to the product name satisfactorily indicates the presence of the livestock ingredients for poultry products containing proportionately smaller amounts of livestock ingredients. The 20 percent level has been used for other products and is considered a satisfactory benchmark.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 030A

To: Branch Chiefs, SLD

SEP 13 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director
Standards and Labeling Division, MPITS

Subject: Labeling Meat Food Products Containing Poultry Ingredients

ISSUE: How meat food products containing poultry ingredients should be labeled.

POLICY: This Policy Memo replaces and clarifies Policy Memo 030. Meat food products containing poultry ingredients in amounts that exceed 20 percent of the total livestock and poultry product portion of the meat food product must have product names that indicate the presence of the poultry ingredients, e.g., Beef and Chicken Chili or Chili made with Beef and Chicken.

Meat food products containing poultry ingredients in amounts at 20 percent or less of the total livestock and poultry product portion of the meat food product must have product names that are qualified to indicate the presence of the poultry ingredients, e.g., Beef Stew - Turkey Added.

However, meat food products that do not meet specified minimum livestock ingredients requirements because poultry ingredients are replacing any part of the required livestock ingredients must have product names that indicate the presence of the poultry ingredients, e.g., Beef and Turkey Stew or Stew made with Beef and Turkey.

This policy does not apply to: (1) red meat products that are expected to contain poultry ingredients, e.g., Brunswick Stew and Potted Meat Food Product (Section 319.761); (2) cooked sausages identified in section 319.180 of the meat regulations (see Policy Memo 005); or (3) non-specific loaves, rolls, logs, etc., e.g., Pickle and Pimento Loaf.

RATIONALE: Consumers do not expect poultry ingredients in products historically prepared from red meats only. Therefore, to ensure that product names of meat food products are not misleading to consumers, the presence of the poultry ingredients should be indicated. In the case of meat food products containing significant quantities of poultry ingredients, it is important that the poultry ingredients become a part of the basic product name. Similarly, it is important that meat food products not meeting specified minimum livestock ingredient

FSIS 2630-5(12/79)

requirements have product names that include the presence of poultry ingredients. The use of a qualifier to the product name satisfactorily indicates the presence of the poultry ingredients for red meat products containing proportionately smaller amounts of poultry ingredients. The 20 percent level has been used for other products and is considered a satisfactory benchmark. Non-specific loaves, logs, rolls, etc., are not covered by this policy since these products are expected to contain various meat components and extenders and because the ingredients statement of these products, in accordance with the regulations, constitutes a part of the product name. Potted Meat Food Product is not covered by this policy because chicken has been used in its preparation for a number of years and has become an expected ingredient.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 031

To : Branch Chiefs, Standards and Labeling Division Date: SEP 4 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
Standards and Labeling Division

Subject: "Cooked Salami" Labeling

ISSUE: What is the appropriate labeling for the product "Cooked Salami"?

POLICY: The product "Cooked Salami" must be labeled "Cooked Salami" regardless of the type and size of its packaging. Use of the singular term "Salami" for "Cooked Salami" is not appropriate and refers only to the dry product with a moisture protein ratio of 1:9 to 1.

RATIONALE: In the past, "Cooked Salami" in consumer size packages was not required to be labeled "Cooked Salami" since it was believed that the differences in the nature of this product in comparison to dry salami products were obvious from the packaging. It is now believed that this position is untenable and creates a situation that is not easily controlled. "Cooked Salami" and the dry variety have vastly different characteristics including keeping qualities. Thus it is necessary to use descriptive labeling for this product that will serve to alert consumers to the type of product being marketed regardless of the type and size of packaging used.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 032

To : Branch Chiefs

Date: SEP 4 1981

Robert G. Hibbert

From : Robert G. Hibbert
Director, Standards and Labeling Division
MPITS

Subject: Raw Poultry Meat (381.117(b))

ISSUE: Appropriate labeling requirements for poultry meat obtained from other than young poultry.

POLICY: The nomenclature for poultry meat obtained from other than young poultry shall include the class designation such as "Yearling Turkey Meat" or "Mature Chicken Meat".

BASIS: Section 381.117(b) specifies that parts or portions cut from mature poultry shall include along with the part or portion name, the class name or the qualifying term "mature" unless the product is cooked or heat processed. Questions have arisen as to the applicability of this provision to the labeling of poultry meat which is not cooked, heat processed or otherwise recharacterized by further processing. The term portions appears to be applicable to this category of product, and a contrary interpretation seems inconsistent with the intent of the regulation. There appears to be an increasing amount of mature poultry meat being diverted to retail concerns, and the need to allow consumers to distinguish between the various types of product is as valid with a portion of meat as it is with a part.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 033

To : Branch Chiefs, Standards and Labeling Division

Date: SEP 4 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
Standards and Labeling Division

Subject: Labeling of Cured Meat Products

ISSUE: Can the traditional names of cured meat products be used even though mechanical reduction has taken place before the product has acquired the characteristics expected?

POLICY: The traditional names of cured meat products, e.g., bacon, may be used even though mechanical reduction, e.g., chopping or chunking, has taken place before the product has acquired the characteristics expected of the product provided the finished product acquires the characteristics expected. Furthermore, the mechanical reduction must be noted in the product name or in a qualifier to the product name (e.g., chopped bacon or bacon-chopped and formed).

RATIONALE: In the past, the traditional names of cured meat products could only be used if the products were made in the traditional manner prior to chopping, chunking, etc. and any subsequent reforming. For example, a product labeled "chopped and formed bacon" would be the name for a product that consisted of bacon prepared by curing and smoking pork bellies in the usual manner and then chopping and forming the product. If, for example, chopped pork bellies were cured and smoked, or cured pork bellies were chopped prior to smoking and any reforming, the product name could not include the term "bacon" but, instead consisted of a description of the steps taken to prepare the raw product, e.g., cured, chopped, smoked, and formed pork belly. After careful review, this policy is viewed as unnecessarily restrictive. As long as the finished product has all the characteristics and ingredients of the traditional product, conforms to consumer expectation, and is properly labeled there is no need to dictate the order of processing. Therefore, this new policy is established to provide flexibility to processors without sacrificing the quality of the product reaching consumers.

United States
Department of
Agriculture

Food Safety
and Quality
Service

SEP 4 1981

[illegible]

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 034

To : Branch Chiefs
SLD

Date: OCT 1 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
SLD

Subject: Fresh Chorizos

ISSUE: Limitations on water and other liquids in fresh chorizos.

POLICY: Fresh chorizos (uncured, uncooked) shall not contain more than three percent added water in accordance with section 319.140. These products may contain vinegar under section 318.7(c)(1). The vinegar used must have a strength of no less than 4 grams of acetic acid per 100 cubic centimeters (20°C).

RATIONALE: "Chorizo" is Spanish for "pork sausage."* Its meaning has expanded in commercial practice to include dry or semi-dry cured pork sausage as well as uncooked sausages that may contain beef. The standards regulations for uncooked sausage are quite specific in limiting added water or ice to three percent. The fresh sausage standards do not, however, restrict the content of liquids other than water, except for condimental proportions of condimental substances which may be liquid. The policy specifies a minimum strength for vinegar added to chorizos in order to control dilution with additional water. The minimum strength specified above is consistent with the trade and regulatory issuances of the Food and Drug Administration.

References:

* Cassell's Spanish Dictionary, E.A. Peers et al. (eds.), Funk and Wagnalls, New York, 1968.

Spanish and English Dictionary, Velazquez et al. (eds.), Follett Publishing Company, Chicago, 1967.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 035

To : Branch Chiefs
SLD

Date: OCT 27 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
SLD

Subject: High Fructose Corn Syrup (HFCS) in Meat or Poultry Products

ISSUE: Appropriate use limitations and labeling of HFCS in meat or poultry products.

POLICY: HFCS may be used to flavor meat or poultry products in amounts sufficient for its intended purpose provided the following conditions are met:

1. HFCS must contain not less than 40 percent fructose on a solids basis.
2. HFCS must have a dextrose equivalence (D.E.) of not less than 93.
3. HFCS must have a sweetening power greater than or equal to sugar (sucrose).
4. HFCS must be identified on the label as High Fructose Corn Syrup in the ingredient statement, curing statement, etc.

RATIONALE: The meat inspection regulations (9 CFR 318.7(c)) provide for the use of corn syrup as a flavoring for certain meat products but limits usage to 2 percent calculated on a dry basis. These restricted uses of corn syrup have been in effect for many years. These usage limits were established to prevent use of corn syrup as a "filler" or economic diluent. In recent years the corn industry has developed a new class of sweeteners known as HFCS which were not commercial products of use when these regulations were promulgated. The dextrose equivalence and fructose specifications given above are consistent with industry specification sheets for these products. HFCS, as defined by items 1 through 3 above, is self limiting in its usage level, as is sugar, and cannot serve as an essentially inert filler or economic diluent. Since HFCS was not an item of commerce when the regulatory restrictions were promulgated, HFCS was not intended to be included in the corn syrup category and should not be restricted in usage as are traditional corn syrups.

The maximum amount of corn syrups currently allowed in poultry products (9 CFR 381.147(f)) is that amount that is "sufficient for purpose." This policy on HFCS does not change that limitation. However, this policy does require that HFCS used in poultry products be declared on the label as "High Fructose Corn Syrup." This provision is necessary to enable individuals with fructose intolerance to avoid foods containing fructose.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 036

To : Branch Chiefs
SLD

Date: NOV 3 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
SLD

Subject: Plastic Cans

ISSUE: Whether plastic packaging for meat food products may be considered to be a "can" under 319.104(e).

POLICY: Plastic material may be used to package cured pork products under section 319.104(e) of the meat inspection regulations only if it meets the following requirements:

(1) The plastic packaging material is approved by the Food and Drug Administration (FDA) and/or the USDA Food Ingredient Assessment Division as appropriate.

(2) The plastic container encloses the product during thermal processing.

(3) The plastic container is impermeable and hermetically sealed.

(4) The plastic container has a label bearing all required handling statements.

RATIONALE: In response to an industry request for approval of flexible crimped nylon tubing as a "can" under section 319.104(e), the USDA consulted several can manufacturers and trade associations. The consensus was that a can should be retortable and hermetically sealed. The Dictionary of Standard Definitions of the American Society for Testing and Materials (ASTM) states that a can may also be made of plastic. In the interest of public safety, any plastic material used in packaging cured pork products must be approved by the Food and Drug Administration and/or the Food Ingredient Assessment Division as a food packaging material.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 037

To Branch Chiefs, Standards and Labeling Division

Date: NOV 4 1981

Robert G. Hibbert

From Robert G. Hibbert, Director
Standards and Labeling Division

Subject: Alternate Principal Display Panels (9CFR 317.2(d) and 381.116(b)

ISSUE: When is a panel bearing a number of mandatory labeling features considered an alternate principal display panel?

POLICY: The determination as to whether or not a panel is an alternate principal display panel shall be based on whether or not the panel is likely to be displayed, presented, shown, or examined under customary conditions of sale. In some cases this means that the manufacturer will need to provide us with information regarding the manner in which the product is marketed and displayed. If the intent of the panel cannot be determined or demonstrated, and it has the appearance of a principal display panel, the presence of three or more mandatory labeling features shall serve to characterize the panel as an alternate principal panel. As such, any remaining mandatory features required to be placed on a principal display panel must also be included.

RATIONALE: In the past, the determination as to whether or not a panel is an alternate principal display panel has been based solely on the fact that a manufacturer has elected to display a certain number of mandatory labeling features on the panel. After careful review of this policy, it has been decided that this approach may not always be the best method for making this determination since there are occasions when a panel bearing several mandatory labeling features would not serve as an alternate principal display panel, i.e., a panel likely to be presented under customary conditions of sale. Therefore, this determination will be made by reviewing the label and any information presented by the manufacturer to help us determine the purpose of the panel. If, however, the purpose of the panel cannot be demonstrated or determined, it is believed that the presence of three or more mandatory features sufficiently characterizes the panel as significant enough to require that any remaining mandatory features required on a principal display also be included on the panel.

United States
Department of
Agriculture

Food Safety
and Quality
Service

Policy Memo 038

To : Branch Chiefs, Standards and Labeling Division

Date: DEC 16 1981

Robert G. Hibbert

From : Robert G. Hibbert, Director
Standards and Labeling Division

Subject: Labeling Cured Product as "Honey Cured", "Sugar Cured", or "Honey and Sugar Cured" (Sugar and Honey Cured)

ISSUE: What are the guidelines for the use of "Honey Cured", "Sugar Cured", or "Honey and Sugar Cured" (Sugar and Honey Cured) on labeling?

POLICY: "Honey Cured" may be shown on the labeling of a cured product if: (1) the honey used contains at least 80 percent solids or is U.S. Grade C or above; (2) honey is the only sweetening ingredient or when other sweetening ingredients are used in combination with honey, they do not exceed one-half the amount of honey used; and (3) honey is used in an amount sufficient to flavor and/or affect the appearance of the finished product.

"Sugar Cured" may be used on the labeling of a cured product if: (1) the sugar used is cane sugar or beet sugar; (2) sugar is the only sweetening ingredient or when other sweetening ingredients are used in combination with sugar, they do not exceed one-half the amount of sugar used; and (3) sugar is used in an amount sufficient to flavor and/or affect the appearance of the finished product.

"Honey and Sugar Cured" or "Sugar and Honey Cured" may also be used on labeling if: (1) the honey and sugar are of the nature described above; (2) the honey and sugar are the only sweetening agents or when other sweetening ingredients are used in combination with the honey and sugar they do not individually exceed either the amount of honey or sugar used and collectively do not exceed one-half the total amount of honey and sugar; and (3) the honey and sugar is used in amounts sufficient to flavor and/or affect the appearance of the finished product.

RATIONALE: A labeling claim that purports the product to possess a specific flavor and/or appearance characteristic may be misleading because: (1) the specific flavor is not used; (2) the specific flavor is used in an amount insufficient to characterize the product; and (3) a substitute ingredient is used that resembles or reinforces the flavor and/or appearance characteristics expected. The flavor and/or appearance characteristics imparted to a product by honey and sugar are similar, both impart sweetness and when heated have a tendency to darken.

FSQS FORM 2630-5 (10/80)

However, there are other sweetening ingredients such as dextrose, corn syrup, and sorbitol that can impart similar characteristics. These ingredients could substitute, in whole or in part, for the honey and/or sugar necessary to characterize a product. Such substitution in a product bearing a honey and/or sugar claim would mislead the consumer into believing that the flavor characteristics and/or appearance of the product were due to the use of the specific flavor claimed. Therefore, this policy establishes guidelines for the use of sweetening ingredients in cured products bearing a honey and/or sugar claim on its label. The policy is adopted from the guidelines that have been used for years with regard to "sugar cured" claims.

United States Department of Agriculture

Food Safety and Inspection Service

Policy Memo 039

To: Branch Chiefs, SLD

JAN 18 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Label claims or features representing a product's caloric content or usefulness in the reduction or maintenance of body weight.

ISSUE: Guidelines for the approval of subject claims and features (section 317.2j(2) and section 381.124).

POLICY: Product labels which, due to the presence of special labeling claims or features, purport a product to be for the reduction or maintenance of body weight or make a claim for a specific caloric content are acceptable. Labels, however, must also bear nutrition information when such claims or features are present. The nutrition information must consist of the caloric, protein, carbohydrate, and fat content of the product.

If additional clarification is needed to facilitate consumer understanding of the claim, statements which describe the nature of the claims or feature may also be required.

RATIONALE: Labeling claims and features concerning a product's caloric content or representing a product to be useful for the maintenance or reduction of body weight can be informative and useful to consumers in making food choices. Claims and features alone, however, also have the capability of misleading the public about a product's dietary value. By requiring nutrition labeling to accompany such claims and features the consumer will be informed of the actual nutritional composition of the product and thus will be better able to determine its appropriateness based on dietary needs.

This policy is consistent with past policy in this area and is intended only to clarify the procedures already being implemented by the Division.

**United States
Department of
Agriculture**

**Food Safety
and Inspection
Service**

Policy Memo 040

To: Branch Chiefs, SLD

JAN 18 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Smoked Products

ISSUE: Can products be labeled as "smoked" if they have been exposed to natural liquid smoke which has been transformed into a vapor by mechanical means?

POLICY: Products which have been exposed to natural liquid smoke which has been transformed into a vapor (mist, fog, gas) by mechanical means, e.g., atomization may be labeled as "smoked".

RATIONALE: Presently, products labeled "smoked" must be processed with smoke generated from burning hardwood, hardwood sawdust, or corn cobs or from natural liquid smoke that has been transformed into a gaseous state by the application of direct heat.

The transformation of liquid smoke into a vapor by mechanical means results in products that, after analysis of processing procedurer and product sampling, possess the same smoke characteristics as the products resulting from the gaseous natural liquid smoke process which is currently approved. Consequently, products are believed to meet consumer expectations of smoked products. The efficacy of natural liquid smoke for use in producing acceptable smoked meat and poultry products has already been demonstrated.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 041

To: Branch Chiefs, SLD

FEB 1 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Labeling of Boneless Ham Products (9 CFR 317.2(b)(13))

ISSUE: Under what circumstances are the product names for ham products acceptable without qualification and when must the product names be qualified?

POLICY: This policy memo supplements and elaborates upon Policy Memo 023. The qualifying phrase "sectioned and formed" is no longer required on boneless ham products such as "ham" and "ham-water added." Furthermore, the addition of small amounts of ground meat added as a binder to such products may be used without declaration provided the ground meat is made from trimmings that are removed from the ham during the trimming and boning processes. The amount of ground meat that may be used can represent no more than the amount that was trimmed and in no case more than 15 percent of the weight of the ham ingredients at the time of formulation. Products containing any ground meat trimmings not removed during the trimming and boning processes or products containing more than 15 percent ground meat trimmings from the ham must be labeled to indicate the presence of the ground meat, e.g., "a portion of ground ham added." Policies regarding the required use of terminology such as "chunked and formed" and "ground and formed" will continue.

RATIONALE: Although terminology such as "sectioned and formed" has been required for several years, concerns have developed regarding the appropriateness of its use. Rapid advances in meat processing have provided the technology to prepare meat products with and without small amounts of ground trimmings that assume all the characteristics associated with the product. Since these products conform to public expectations, consumers may be confused or misled by terminology which seems to connote an inferior product.

Total product that has been subject to mechanical reduction, such as grinding or chunking, serves to recharacterize the product in a way that is significantly different from that normally expected by consumers. Therefore, qualifiers such as "chunked and formed" and "ground and formed" will continue to be required.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 042

To: Branch Chiefs, Standards and Labeling Division FEB 3 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Raw Bone-In Poultry Products Containing Solutions

ISSUE: Labeling of raw bone-in poultry and poultry parts to which solutions are added.

POLICY: Unless addressed by other regulations and policies, water and/or oil based solutions may be added to raw bone-in poultry and poultry parts at various levels with an appropriate qualifying statement to the product name.

The statement must include terms adequate to inform the consumer of the amount and manner of the addition and include the common or usual names of the ingredients in their proper order of predominance (e.g., "Injected with up to 12 percent of a solution of water, salt, and phosphates"). Other similar designations will be considered on their merits. The statement must be contiguous to the product name and printed in a style and color as prominent as the product name. The statement of the manner and amount of addition must be one-fourth the size of the most prominent letter in the product name. The ingredients of the solution can be in print one-eighth the size of the most prominent letter of the product name.

Terms such as "Basted," "Marinated", "For Flavoring" and similar terms contemplated within the provisions of Section 381.169 of the poultry products inspection regulation can not be used if the amount of the solution added is more than needed to baste, marinate, or flavor the product. In the case of bone-in poultry and poultry parts, the amount is approximately 3 percent as prescribed by the regulations.

RATIONALE: The addition of various water and/or oil base solutions has been approved in various products including beef for further cooking, roasts, bone-in poultry, poultry rolls, and steaks. These solutions are added by injection, marination, etc., to impart favorable flavoring and other sensory characteristics to the finished product. Existing policies and regulations, however, do not address the addition of solutions above the 3 percent level in bone-in products. Such additions are considered appropriate, but since the nature of the product is changed, it is necessary that the product name be qualified to identify the composition of the solution and the manner and the amount of the solution added. This is consistent with policies relating to the addition of solutions to other meat and poultry products.

The prohibition of the use of terms such as "Basted", "Marinated" and "For Flavoring" is based on the fact that the level prescribed in the regulation for bone-in poultry products is adequate for basting, marinating, and flavoring. The use of solutions above this stated amount is unnecessary for these purposes.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 044

To: Branch Chiefs, Standards and Labeling Division

APR 7 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Raw Boneless Poultry Containing Solutions

ISSUE: Labeling of raw boneless poultry and poultry parts to which solutions are added.

POLICY: Unless addressed by other regulations and policies, water and/or oil based solutions may be added to raw boneless poultry and poultry parts only if the product is labeled with terms that describe the method of addition and the amount and function (if any) of the added material.

The method of addition and the amount of the added material must be included in a statement which identifies the common or usual names of all of the ingredients added in their proper order of predominance (e.g., "Injected with up to 12 percent of a solution of water, salt, and sodium phosphates"). Other similar designations will be considered on their merits. The statement must be contiguous to the product name and printed in a style and color as prominent as the product name. The statement of the manner and amount of addition must be one-fourth the size of the most prominent letter in the product name. The ingredients of the solution can be in print one-eighth the size of the most prominent letter of the product name.

Terms such as "Basted," "Marinated", "For Flavoring" and similar terms contemplated within the provisions of Section 381.169 of the poultry products inspection regulation can not be used if the amount of the solution added is more than needed to baste, marinate, or flavor the product. In the absence of evidence to the contrary, the amount is believed to be 8.0 percent for boneless poultry.

A quality control program must also be approved by the Processed Products Inspection Division before the label can be used.

RATIONALE: The addition of various water and/or oil base solutions has been approved in various products including beef for further cooking, roasts, bone-in poultry, poultry rolls, and steaks. These solutions are added by injection, marination, etc., to impart favorable flavoring and other sensory characteristics to the finished product. Existing policies and regulations, however, do not address the addition of solutions to most boneless products. Such additions are considered appropriate, but since the nature of the product is changed, it is necessary that the product be labeled to identify the amount and composition of the solution and its function. This is consistent with the policies on the addition of solutions to bone-in poultry and poultry parts. Furthermore, both the meat and poultry regulations require that a product have a standardized name or if none exists a common or usual name. If neither exists, the product must have a truthful descriptive name. Since these products have neither a standardized or common or usual name, a descriptive name is needed. The traditional name, supplemented with the required qualifiers to create the necessary distinction from the traditional product, serves this function.

The prohibition of the use of terms such as "Basted", "Marinated" and "For Flavoring" on the labeling of products containing solutions above the level necessary to baste, marinate, or flavor the product is consistent with the policies for the addition of solutions to bone-in poultry and poultry parts. The 8 percent level for boneless products is the amount of solution that would be present in the flesh of the poultry, primarily the breast and thighs, after a 3 percent solution was added to the bone-in product in accordance with 9 CFR 381.169.

The need for a quality control program is consistent with the requirements of 9 CFR 381.169 for bone-in poultry.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 045

To: Branch Chiefs, SLD

APR 7 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Product Names of Margarine Substitutes

ISSUE: What guidelines should be followed when approving labels for products that are substitutes for margarine?

POLICY: Meat food products that are substitutes for margarine because they contain less than 80 percent fat and/or oil need not be labeled "Imitation" if the product has a fully descriptive name and the finished product contains 15,000 international units of vitamin A per pound.

The descriptive name of the product may include the term "Spread" (or "Spred"), which has been widely adopted as a generic fanciful name for this class of products.

The following guidelines shall be used in selecting the appropriate descriptive product name:

1. "Animal Fat Spread (or Spred)" is an acceptable product name for a product prepared from animal fat as the sole source of fat.

2. "Animal Fat and Vegetable Oil Spread (or Spred)" is an acceptable product name for a product prepared with a combination of animal fat(s) and vegetable oil(s) in which the vegetable oil(s) content is greater than 20 percent of the total of the fat(s) and oil(s) used but less than 50 percent of the total.

3. "Animal Fat Spread (or Spred)-Vegetable Oil Added" is an acceptable product name for a product prepared with a combination of animal fat(s) and vegetable oil(s) in which the vegetable oil(s) content is 20 percent or less of the total of the fat(s) and oil(s) used but greater than 2 percent of the total.

4. The fanciful name "Spread" (or "Spred") accompanied by a list of all ingredients individually identified by their common or usual name in order of

decreasing predominance is an acceptable product name regardless of the nature and amount of fat(s) and/or oil(s) used.

In 1, 2, and 3 above the descriptive product name may include the percent of each fat and/or oil and may include the common or usual name of each fat and/or oil used.

RATIONALE: Section 301.2(ii)(3) of the meat inspection regulations provides that a product must be labeled "imitation" if it is an imitation of another food. The policy of the agency also permits a descriptive name for the substitute food if the product is not nutritionally inferior to the product being substituted. In the case of margarine-like products, nutritional inferiority is determined on the basis of the product's vitamin A content. Since margarine is required to contain 15,000 international units of vitamin A per pound, margarine-like products must also contain this amount or be considered nutritionally inferior.

The word "Spread" (or "Spred") has been adopted by the industry as a term that differentiates these products from margarine and is considered an acceptable term if the fat and/or oil used in preparing the product is identified generally or specifically in the product name description. The descriptive name including the fat and/or oil is necessary to inform the consumer of the nature of the product. This policy is also consistent with section 317.2(e) with regard to the use of a fanciful name accompanied by a list of ingredients as an alternative to a descriptive product name and with past labeling policy with regard to the use of qualifying statements. The 20 percent level has been used for other products and is considered a satisfactory benchmark.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 046

To: Branch Chiefs, SLD

APR 8 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Percent Fat Free Label Declarations

ISSUE: Requirements for the approval of percent fat free declarations

POLICY: Percent fat free statements, e.g., "95% Fat Free", are acceptable on product labels if the label also bears a positive declaration of the product's fat content, e.g., "contains 5% fat." This percent fat statement should be contiguous to the percent fat free statement and be displayed in a prominent manner. An approved quality control procedure will also be required for labels which bear percent fat free and accompanying percent fat declarations.

The percent fat free statement and the accompanying statement of the fat content are considered representations of the fat content of the product only and do not necessarily represent the fat free portion as lean material. Thus, concomitant claims of the lean content, such as "95% Lean", will be closely scrutinized.

RATIONALE: The use of percent fat free and accompanying percent fat declarations on product labels is a method of conveying to the consumer how much fat is in a product. Percent fat free declarations unaccompanied by percent fat declarations are believed to be confusing and possibly misleading to the consumer making dietary selections in the marketplace. For example, the claim "95% fat free" may be interpreted by the consumer to mean that 95% of the fat in the product has been removed. The addition of the percent fat declaration allows the consumer to see that, in fact, the "95% fat free" refers only to the portion of the product which is not fat. Thus, the percent fat statement has been and will continue to be required to accompany all percent fat declarations.

Labels that bear percent fat free and percent fat declarations may or may not also bear similar claims for the lean content, e.g., 95% lean. Such percent lean claims will be closely scrutinized because the fat free portion of many products is composed of ingredients, such as added moisture and extenders, in addition to the lean material of the meat or poultry present. Thus, when the fat free portion contains other than lean material, lean claims representing the total fat free portion as lean are not acceptable.

United States
Department of
Agriculture

Food Safety
and Quality
Service

POLICY MEMO 047

To Branch Chiefs, SLD

Date: MAY 3 1982

Robert G. Hibbert

From Robert G. Hibbert, Director, SLD

Subject Net Weight Statements on Packages with Header Labels* (9CFR 317.2(h) and 9CFR 381.121)

ISSUE: What are the size and location requirements for the net weight statements on packages with header labels?

POLICY: The guidelines for determining the size and location of net weight statements on meat food product packages that have header labels are as follows:

1. The entire front of the package is considered the principal display panel of the package and its area is used to determine the size of the net weight statement. Print size specifications for the net weight statement specified by the regulations must be followed.

2. The net weight statement should be placed within the lower 30 percent area of the header label if no other mandatory labeling features are printed on the rest of the principal display panel of the package. If mandatory features do appear below the header label, the net weight statement must be placed within the lower 30 percent of the total area containing any mandatory information.

RATIONALE: As prescribed by the regulations in 9CFR 317.2(h)(6) and 9CFR 381.121 the size of the net weight statement is dependent on the size of the principal display panel of the package. Thus the total area of the front of the package with a header label must be used to determine the size of the net weight statement. This is consistent with the requirement for all other packages. The use of header labels has been commonplace within the mat and poultry industries for years. Header labels usually bear all mandatory and other information found on the package. Because of the nature of the packaging, the area below the header label is often ideal for the placement of additional information, which is most often non-mandatory in nature. The use of this area for other information has raised questions about whether the net weight statement should then be located in the lower 30 percent of the principal display panel of the package or the lower 30 percent of the area containing the additional information, or whether the net weight statement should remain in the header label area.

The regulations specify that the net weight statement should be placed on the principal display panel of the label within the bottom 30 percent of the panel, but the regulations in these situations are not clear as to what constitutes the principal display panel of the label. The regulations do specify that the principal display panel of the label should be large enough to accommodate all mandatory label information. Consequently, it is believed both reasonable and in accord with the regulations to require that in those cases where the processor has elected to place mandatory information below the header label the net weight statement must be placed within the lower 30 percent of the total area containing any mandatory information. However, it is considered unnecessary and unduly restrictive to require the relocation of the net weight statement because of the addition of non-mandatory information in the area below the header label.

---

*A "Header Label" is a small label applied across the top of a package usually bearing all of the mandatory labeling information. The rest of the package most often is a clear film containing a meat or poultry product such as luncheon meat. This type of packaging is designed to be used on peg board type displays.

**United States
Department of
Agriculture**

**Food Safety
and Inspection
Service**

POLICY MEMO 048

To: Branch Chiefs
SLD

MAY 18 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: Level of Beef in Berliner

ISSUE: What is the maximum amount of beef allowed in a sausage product called "Berliner?"

POLICY: "Berliner" may be made from pork or a mixture of pork and beef. When beef is used it shall not exceed 50 percent of the meat block.

RATIONALE: In the past, "Berliner" was described in the Policy Book as a cooked smoked sausage usually made from coarsely cut cured pork. It could contain up to 15 percent beef. This policy has not been applied consistently to label approvals. Eight of 30 establishments which make "Berliner" have label approvals for "Berliner" which contains up to 50 percent beef. Some of these labels have been in effect for 10 years or more.

It is apparent after this length of time that many consumers expect "Berliner" to contain mixtures of beef and pork up to and including as much as 50 percent beef. Therefore the maximum level of beef permitted in "Berliner" shall be 50 percent of the meat block and the Policy Book shall be corrected to show this level. A level of beef in excess of 50% would completely change the nature of the product from a pork or pork and beef product to one which is predominantly beef.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 49C

To: Branch Chiefs, SLD

JUN 14 1984

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Sodium Labeling Guidelines

ISSUE: What guidelines should be followed in the review and approval of labeling which includes sodium and/or salt information?

POLICY: This memo replaces Policy Memo 049B.

1. The label of any meat or poultry product may bear quantitative information on the amount of sodium in a serving of the product. When this information is provided, the serving size must appear on the label and must be within the range of serving sizes customarily used for that product. Sodium content information may be included without other nutrition information.

2. Quantitative information on sodium content shall be declared in terms of milligrams (mg) per serving of the product. The sodium content shall be expressed as zero when the serving contains less than 5 mg, to the nearest 5 mg increment when the serving contains 5 to 140 mg of sodium, and to the nearest 10 mg increment when the serving contains greater than 140 mg of sodium.

3. Nutrition labeling does not require the inclusion of sodium content information. However, if sodium content information is included on the nutrition information panel of a meat or poultry product, the sodium content information must immediately follow the information on fat content (or, if provided, any information on fatty acid and/or cholesterol content).

4. When a claim is made about the sodium and/or salt content of a product, the label of the product must bear quantitative information on the sodium content in a serving of the product.

5. "Very Low Sodium" may be applied only to products that contain 35 mg or less of sodium per serving. "Low Sodium" may be applied only to

products that contain 140 mg or less of sodium per serving. "Sodium Free" and similar terms may be applied only to products that contain less than 5 mg of sodium per serving. "Salt Free" and similar terms may be applied only to products that qualify to be labeled "Sodium Free."

6. "Unsalted" or "No Salt Added" or "Without Added Salt" or an equivalent term may be applied to products only if: (1) no salt is added during processing and no ingredient contains salt (sodium chloride); and (2) the product that it resembles and for which it substitutes is normally processed with salt.

7. "Reduced Sodium" may be applied only to those products which have been formulated to serve as and are represented as direct replacements for foods containing at least four times the sodium content (75 percent reduction). The label of the product shall provide quantitative information comparing the sodium content per serving of the reduced product with that of an equivalent serving of the product it replaces. This information should be in immediate conjunction with the claim or referenced by an asterisk.

8. A comparative sodium content claim may not be made unless: (1) a product's sodium content is at least 25 percent less than that of the appropriate product(s) with which it is compared and (2) the comparative claim is accompanied by (in immediate conjunction with the claim or referenced by an asterisk) an identification of the product(s) with which the comparison is being made and a quantitative statement of the relative or absolute difference in sodium content per serving (using equivalent serving sizes) of the products being compared. Examples of such claims would be "This bologna has 25% less sodium per serving than our regular bologna," or "This bologna contains 125 mg less sodium per serving than the three leading brands of bologna." While a 25 percent reduction in sodium is necessary in order to make such comparative claims, companies are encouraged to decrease the sodium content of their products in lesser amounts and, if necessary, incrementally as experience is gathered.

9. When labels bearing sodium content information are submitted for approval, appropriate information should also be submitted to support the label declaration. Acceptable information would be:

(a) Information that demonstrates that calculations from the sodium content of the product's individual ingredients adequately reflect the sodium content of the product.

(b) Information derived from recognized reference sources, such as the revisions of Agriculture Handbook No. 8 published in 1976 or later. (Due to the nature of this type of data, its use will most likely be limited to those products that are essentially nonformulated, e.g., turkey breasts or ground beef).

(c) Information derived from industry or company analytical data bases. At a minimum, three laboratory analyses should be performed, and ideally each analysis should be from a different lot of product. Such analyses shall be performed in accordance with "Official Methods of Analysis of the Association of Official Analytical Chemists" ("AOAC") or the "Chemistry Laboratory Guidebook" of the U.S. Department of Agriculture. Alternative methods of analysis may be used if submitted to the Administrator and determined to be acceptable.

With respect to (a) and (b) above, it may also be necessary that laboratory analyses be performed to assure the adequacy of the calculations and the applicability of the reference sources.

10. Processors are responsible for assuring the continued accuracy of the sodium content of their products. The basis for verifying sodium content will be as follows:

(a) A partial quality control (PQC) program approved by the Processed Products Inspection Division is required for products not covered in (b) below to verify the continued accuracy of any sodium labeling value. Such a PQC program may be principally formulation control coupled with an occasional laboratory analysis, only laboratory analysis of finished products, or some combination of the two. When laboratory analysis alone is relied on for verification, sampling frequency will depend on the correlation of the laboratory results to the sodium value on the labeling.

b. A PQC program will not be required for products where: (1) an adequate basis exists from a recognized reference source, such as the revisions of Agriculture Handbook No. 8 published in 1976 or later; or (2) there is information that demonstrates that calculations from the sodium content of the product's individual ingredients adequately reflect the sodium content of the product; or (3) there is a data base consisting of a sufficient number of analyses to establish the product's variability and establishing that the standard deviation does not exceed 25 percent of the average. The data can be submitted as part of the label approval application, or can be accumulated under a PQC program. Products which have been produced for some time under a label PQC program may have accumulated sufficient data to demonstrate that the PQC is no longer required. Processors of such products may submit such data to the Standards and Labeling Division for evaluation.

Products labeled with sodium content information for which a PQC is not required are still subject to Agency monitoring. In addition, the Standards and Labeling Division will require processors to submit no less frequently than annually the results of a single composite analysis of 12 samples randomly selected from 12 different lots to demonstrate the continued validity of the sodium content declaration. Other plans to demonstrate the continued validity of the declaration will be evaluated on a case by case basis. Furthermore, when comparisons to a regular product, marketbasket data, or to leading brands are made, it will be necessary that, at least yearly, the company furnish the Division with data to reconfirm the validity of the comparison.

Processors may obtain approval for labels which comply with these guidelines immediately. However, the guidelines must be followed by July, 1985.

RATIONALE: These guidelines specify definitions and methods to assure that sodium information is provided in a consistent manner that is not misleading and is meaningful to the consumer. Currently, labeling which includes quantitative sodium information, with or without non-quantitative claims, is approved in accordance with guidelines set forth in Policy Memo 049B, dated August 19, 1982. That Policy Memo stated in part that "final sodium labeling policy guidelines will be issued when more information is gathered through our efforts, through the rulemaking efforts of the FDA, and from additional consumer and industry input." Since the issuance of Policy Memo 049B, the agency has gained additional experience in working with sodium labeling requests and the Food and Drug Administration has issued a final rule on sodium labeling.

The interim guidelines of Policy Memo 049B are being rescinded, and these final guidelines are being issued. These final guidelines will help meat and poultry processors to provide sodium information on the labels of their products by eliminating the uncertainties inherent in "interim" guidelines. In view of FDA's final rule, the Policy Memo is also issued to promote consistency in the labeling of all foods.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

DEC 19 1985

To: Branch Chiefs
Standards and Labeling Division

Policy Memo 50-B

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K Glavin

Subject: Canadian Style Bacon

ISSUE: Appropriate labeling and standards of identity for "Canadian Style Bacon"?

POLICY: This replaces Policy Memo 50A on Canadian Style Bacon. Product which is identified as "Canadian Style Bacon" is made from a trimmed boneless pork loin. On the shoulder end, the cross section of the longissimus dorsi muscle shall be equal to or larger than the combined cross sectional areas of the splenius and semispinalis capitis muscles. The ham end shall be removed anterior to the illium. The exposed faces shall be approximately perpendicular with the skin surface. The dorsal and ventral side on each end of the "Canadian Style Bacon" shall not be more than 1.0 inch different in length. The belly is removed adjacent to the longissiums dorsi muscle. All bones and cartilage shall be removed. The tenderloin and the flesh overlying the blade bone are excluded. The surface fat (and false lean when necessary) shall be trimmed to 0.3 inches thick at any point. The fat on the ventral and dorsal sides is neatly beveled to meet the lean. As further clarification, the enclosed diagram shows a cross-sectional view through the loin-shoulder separation. The area below and to the left of the perforated lines represents the "Canadian Style Bacon" with the belly, the blade bone (Scapula) and overlying flesh removed.

The term "Canadian Style Bacon", when featured on the label as a product name or part of a product name (i.e. as a descriptor, etc.), may stand alone without an additional qualifier indicating the true geographical origin of the product.

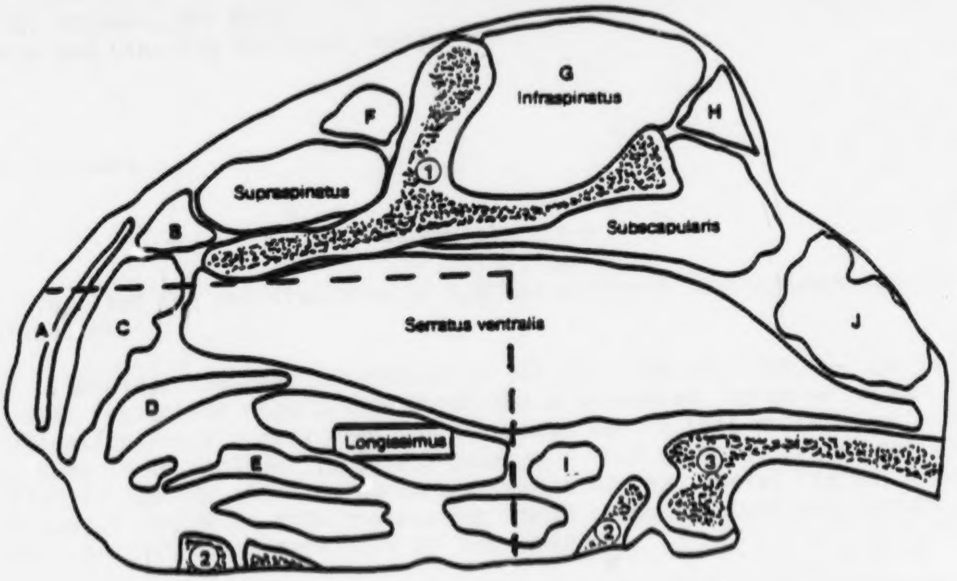
FSIS 2630-5(12/79)

RATIONALE: The Issuance of Policy Memo 050 raised some questions about the identity of various muscles mentioned and the clarity of the description of the Institutional Meat Purchase Specification (IMPS) for Canadian Back. The revision of the description and the enclosed diagram are intended to provide clarification of the tissues involved.

Until recently, the Division has regarded Canadian Style Bacon as a term suggesting geographical origin or charaterization, and thus has required that the true product origin be identified along with the product name (e.g. Made in U.S.A). In evaluating the connotation of the term, it has become apparent that Canadian Style Bacon is a commonplace term which is widely recognized by consumers and industry as a type or style of bacon and which holds no geographical relevance. This is best demonstrated by the various information publications which specifically identify Canadian Style Bacon as a section of the pork loin, as described above.

Enclosure

Loin-shoulder separation (Loin)


G
Infraspinatus
F
H
①
Supraspinatus
B
Subscapularis
A
C
Serratus ventralis
J
D
Longissimus
E
I
③
②
②

A Trapezius
B Pectorales profundus
C Rhomboideus
D Splenius
E Semispinalis capitis

F, G Infraspinatus
H Triceps brachii
I Iliocostalis
J Latissimus dorsi

① Scapula
② Thoracic vertebra
③ Rib

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 051

To: Branch Chiefs, SLD

SEP 13 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director
Standards and Labeling Division, MPITS

Subject: Species Sausages

ISSUE: The labeling and standards of sausage products labeled with species identification.

POLICY: (Species) sausages identified in 319.141, 319.142, 319.144 and 319.160 of the meat inspection regulations which are also cooked, cured or smoked (or any combination) must comply with the standards before this processing if the product name is to include "(species) sausage." For example, fresh beef sausage identified in 319.142 which is cured and cooked may be labeled "cured, cooked beef sausage." Prior to this processing, these products could not contain more than the 3 percent water permitted by the standard.

Cooked cured sausages or smoked cured sausages containing up to 10 percent added water in the finished product and prepared from one species may be labeled as "cooked cured sausage" or "smoked sausage" or as "cooked cured sausage made with (species)" or "smoked sausage made with (species)."

Semi-dry and dry sausages made from a single species may be labeled "(species) sausage", e.g., "beef sausage."

This policy does not apply to cooked sausages identified in section 319.180 of the meat regulations.

RATIONALE: (Species) sausages identified in 319.141, 319.142, 319.144 and 319.160 are not permitted to contain more than 3 percent water at time of formulation. If these products are cooked, smoked or cured (or any combination), they would not be expected to contain more than the 3 percent water permitted by their respective standards. Appropriate labeling for these products would include "(species) sausage" and a description of the processing that has taken place, e.g., cured, smoked pork sausage.

Certain cooked or smoked cured sausages are traditionally expected to contain up to 10 percent added water. These products are often labeled "smoked sausage" or "cured cooked sausage." If species identification is desired for these products, it is necessary that labeling be used to differentiate these products from those discussed in the preceding paragraph. The most appropriate labeling is "cured cooked sausage made from (species)" or "smoked sausage made from (species)."

Since semi-dry and dry sausages are sufficiently different in appearance and character including keeping qualities, they may be labeled "(species) sausage."

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 052

To: Branch Chiefs
SLD

SEP 15 1982

Robert G Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: The Use of Cured Pork Tissue in Making Lard

ISSUE: May cured pork tissues be used in the preparation of lard?

POLICY: Cured pork trimmings may be rendered to produce lard manufactured in compliance with the lard, leaf lard standard.

RATIONALE: On June 13, 1973, the Department published in the Federal Register (38 FR 15519-20) a proposed standard for lard. The first two sentences of 319.702(a) (9 CFR 319.702(a)) of this proposed standard read as follows:

> (a) Lard is the fat rendered from clean and sound edible tissues from swine. The tissues may be fresh, frozen, cured, (emphasis added) cooked, or prepared by other processes approved by the Administrator in specific cases upon his determination that the use of such processes will not result in the adulteration or misbranding of the lard.

This provision to allow cured tissues in these products was explained in the preamble to the proposal as follows:

> The principal changes proposed by the amendment in the ingredients of lard would be the authorization for use of cured and/or cooked pork tissues. This is in recognition of product processing changes that have occurred. Pork curing methods formerly involved holding pork cuts for periods of considerable length after the addition of the cure ingredients. Problems of rancidity were frequently encountered. At present, cures are added to pork cuts just prior to cooking and smoking operations. Insufficient time exists for rancidity to occur.

These statements are still technically valid, and, as such, provide the basis for the allowance of cured tissues in these products. However, on October 18, 1977, the Department published a general request for data regarding the use of nitrates and nitrites in cured products (42 FR 55626-7) in order to gain further information from any interested party prior to taking any final action regarding the use of nitrates and nitrites in a variety of meat food products. At the time the final rule for lard was being developed the data received in response to this notice were being reviewed by the agency. According to the preamble to the final rule on lard published on June 13, 1978, (43 FR 25420) "since the nitrite and nitrate data have not been reviewed and other important safety issues concerning nitrosamine formation have not been fully resolved, the Department has concluded that it should withhold cured pork tissues as materials used in the production of lard, at least for the present time. As further information becomes available, the Department will reconsider its position". Therefore the final rule did not specify cured tissues as an ingredient in lard.

A review of these data and other materials has been completed. It has been shown that, because of the low temperatures at which lard is rendered, there is little likelihood of nitrosamine formation. (J. I. Gray, "N-Nitrosamines and their precursors in Bacon: A Review", Journal of Milk and Food Technology, Vol. 39, No. 10, pages 686-692 and J.W. Pensabene et. al, "Effect of Frying and Other Cooking Conditions on Nitrosopyrrolidine Formation in Bacon"; Journal of Food Science, Vol. 39, pages 314-316). The Department has therefore determined that cured pork tissue is a satisfactory material from which to manufacture lard. Since the Department indicated in the preamble to the final rule that further action, based upon its review of the data, was contemplated, and since all cured tissues would be either cooked or fresh, categories which are both specified in the current regulation, further regulatory action does not appear necessary.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 053

To: Branch Chiefs, SLD

SEP 24 1982

From: Robert G. Hibbert, Director, SLD for RGH

Subject: Labeling Turkey Ham Products Containing Added Water (9 CFR 381.171)

ISSUE: What is the appropriate labeling for a Turkey Ham product that contains added water?

POLICY: A product otherwise conforming to the standard for Turkey Ham under section 381.171 of the poultry products inspection regulations but weighing more than the original weight of the turkey thigh meat used prior to curing shall be descriptively labeled as follows:

(1) The product name must include in addition to "Turkey Ham", words that specify the amount of water, e.g., "and _____% water", or "with _____% water added" with the blank filled in with the percent of added water as determined by subtracting the original weight of the turkey thigh meat from the weight of the cooked finished product, "Turkey Ham and 12% Water" is an example.

(2) The additional information described in (1) must be a part of the product name in prominent lettering not less than three-eighths inch in height. If the product is not placed in a retail-size package, it shall be marked with the additional words the full length of the product. However, smaller lettering may be approved for labels for small packages, such as a 4 ounce package, when the size and style of the lettering is such to insure the prominence of the required terms.

(3) The "Turkey Ham" portion of the product name must be qualified with the statement "Cured Turkey Thigh Meat" in the manner described in 381.171(e). This may be effected by using an asterisk as long as there is no type or other designs between the total product name (including the water-added statement) and the qualifying statement. Other means of qualifying "Turkey Ham" will be evaluated based on clarity. Alternatively, the total name as described in (1) and (2) may be qualified with a statement that includes "Cured Turkey Thigh Meat" and the amount of added water, e.g., "Cured Turkey Thigh Meat and 12% Water." The statement should be presented in the manner described in 381.171(e).

(4) The product name shall be further qualified with the statement(s) required by section 381.171(f) and any other statements required in Part 381.

RATIONALE: Processors using the newer cook-in films are finding it difficult to process Turkey Hams in compliance with the standard. The use of cook-in films results in a minimal amount of cooked-out juices with the excess moisture retained in the product. In addition, processors desire to provide consumers with a product similar in compositional characteristics to HAM-Water Added. While the poultry product inspection regulations do not specifically provide for a Turkey Ham-Water added, they do provide for descriptive labeling of non-standardized products. In addition, this policy statement is consistent with the requirements and the intent of labeling policies now followed for various meat and poultry products to which solutions are added. This policy statement should provide processors with sufficient flexibility in producing a product to meet various economic and nutritional needs of consumers while still providing fully informative labeling as required by the Poultry Products Inspection Act.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 054

To: Branch Chiefs, SLD

NOV 10 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Quality Control Claims (9 CFR 318.4(f) and 381.145(f))

ISSUE: What guidelines should be followed in approving labels bearing claims indicating that the product's quality is controlled or assured?

POLICY: Product labels bearing claims such as "quality controlled," "quality assurance," and words of similar connotation, other than those claims specifically allowed by regulation for establishments under total quality control programs approved by the Administrator (9 CFR 318.4(f) and 381.145(f)), may only be approved under the following conditions:

(1) If the claim relates to a firm's own quality control program that is not approved by USDA, the claim must indicate that the firm is responsible, e.g., "Quality Assured by Joe's Packing Company."

(2) If the claim relates to a partial quality control program approved by USDA, the claim must indicate the nature of the program. The claim may include wording to indicate that the quality control program operated by the official establishment for the stated quality has been approved by USDA. An example of such a claim would be "Fat Content Quality Controlled - USDA Approved."

(3) Claims approved consistent with (1) and (2) above may not be incorporated into a branding symbol, starburst, or similar design that may give the semblance of the official USDA labeling logo authorized in 9 CFR 318.4(f) and 381.145(f) for firms under total plant quality control programs approved by USDA.

(4) Claims approved consistent with (1) and (2) above may not include words indicating total plant quality control, directly or indirectly, unless the establishment has an approved program authorized in accordance with 9 CFR 318.4(f) and 381.145(f).

RATIONALE: The meat and poultry products inspection regulations allow processors to participate in two different quality control programs: either "Total Plant Quality Control" program for all products through all stages of preparation or a "Partial Quality Control" program for a specific product, operation, or a part of an operation. In both cases, detailed information concerning the manner in which the system will function is approved by the Administrator. The regulations (sections 318.4(f) and 381.145(f)) authorize the use of a labeling logo reading "Quality Control USDA Approved" for products prepared under a "Total Plant Quality Control" program but do not provide for a labeling logo for products prepared under a "Partial Quality Control" program. In contrast to a "Total Plant Quality Control" program, a "Partial Quality Control" program may involve only quality control of the percentage of fat declared on the product label or the nutritional information that is shown. In addition, many processors operate their own quality control programs outside the scope of the USDA approved programs.

Recently, processors have submitted labeling bearing claims intended to inform consumers that their product is produced under some type of quality control program. However, the labeling may be confusing as to whether it is an official USDA approved total quality control program, a partial quality control program approved by USDA, or one operated solely by the processor. Because of this potential for confusion and the increasing interest in the Agency's total quality control program, guidelines are necessary for approving labeling that bears phrases such as "Quality Controlled," "Quality Assured," or phrases of similar connotation to insure that they are properly qualified and not misleading.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 055

To: Branch Chiefs, SLD

NOV 22 1982

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Natural Claims

ISSUE: Appropriate policy for the approval or denial of labeling for meat products and poultry products bearing the term "natural."

POLICY: The term "natural" may be used on labeling for meat products and poultry products, provided the applicant for such labeling demonstrates that:

1) The product does not contain any artificial flavor or flavoring, coloring ingredient, or chemical preservative (as defined in 21 CFR 101.22), or any other artificial or synthetic ingredient; and 2) the product and its ingredients are not more than minimally processed. For the purposes of this memorandum, minimal processing may include: (a) those traditional processes used to make food edible or preserve it or make it safe for human consumption, e.g., smoking, roasting, freezing, drying, and fermenting; or (b) those physical processes which do not fundamentally alter the raw product and/or which only separate a whole, intact food into component parts, e.g., grinding meat, separating eggs into albumen and yolk, and pressing fruits to produce juices.

Relatively severe processes, such as solvent extraction, acid hydrolysis, and chemical bleaching would clearly be considered more than minimal processing. Thus, the use of a natural flavor or flavoring in compliance with 21 CFR 101.22 which has undergone more than minimal processing would place a product in which it is used outside the scope of these guidelines. However, the presence of an ingredient which has been more than minimally processed would not necessarily preclude the product from being promoted as natural. Exceptions of this type may be granted on a case by case basis if it can be demonstrated that the use of such an ingredient would not significantly change the character of the product to the point that it could no longer be considered a natural product. In such cases the natural claim must be qualified to clearly and conspicuously identify the ingredient, e.g., contains refined sugar.

All products claiming to be natural or a natural food should be accompanied by a brief statement which explains what is meant by the term natural, i.e., that the product is a natural food because it contains no artificial ingredients and is only minimally processed. This statement should appear directly beneath or beside all natural claims or, if elsewhere on the principal display panel,'an asterisk should be used to tie the explanation to the claim.

The decision to approve or deny the use of a natural claim may be affected by the specific context in which the claim is made. For example, claims indicating that a product is a natural food, e.g., "Natural chili" or "chili - a natural product" would be unacceptable for a product containing beet powder which artificially colors the finished product. However, "all natural ingredients" might be an acceptable claim for such a product.

RATIONALE: A variety of sources, including the Federal Trade Commission's (FTC) rulemaking record on this subject, substantiates the contention that natural terminology, if used indiscriminately, may be misleading to consumers who believe that foods so labeled are intrinsically safer or nutritionally superior to their "unnatural" counterparts. At one time, this agency took the position that such claims were inherently misleading and should never be allowed. While the general concerns regarding consumer confusion in this area were appropriate, the scope of a general prohibition seems excessive, and this position has been modified through consideration of specific labeling applications. This memo should serve to publicize guidelines which have evolved through this process while still precluding the use of natural claims on meat and poultry labeling where methods of preparation and/or processing or the presence of artificial ingredients would result in a product that is inconsistent with consumer expectations of a natural product as characterized by the FTC's extensive record.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 056

To: Branch Chiefs
SLD

JAN 12 1983

Robert G Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: Potassium Sorbate and Propylparaben on Semi-Dry Sausage

ISSUE: The use of potassium sorbate or propylparaben as an external mold inhibitor on semi-dry sausages.

POLICY: Potassium sorbate or propylparaben may be used as an external mold inhibitor (applied by dipping or spraying) on semi-dry sausages which have a moisture-protein ratio of 3.1:1 or less and a pH of 5.0 or less. The presence of potassium sorbate or propylparaben must be declared on the label.

RATIONALE: The current regulation (9 CFR 318.7(c)(4)) states that potassium sorbate or propylparaben may be used on dry sausage casings to retard mold growth and potassium sorbate may be used in oleomargarine or margarine to preserve the product and to retard mold growth. The regulation has also been interpreted to permit the use of potassium sorbate on beef jerky (letter of Irwin Fried dated July 26, 1978 and Policy Book, p. 106A). Policy Memo 17 extends this usage to imitation dry sausage products and dry beef snacks also.

Semi-dry sausages having a moisture - protein ratio of 3.1:1 or less and a pH of 5.0 or less are shelf-stable. They do not require refrigeration and will not undergo microbiological spoilage at room temperature. The use of a mold inhibitor on the surface will not hide or mask interior deterioration. In this respect they are analogous to dry sausages and the use of potassium sorbate or propylparaben on the surface represents a consistent application of the regulations.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

SEP 16 1985

To: Branch Chiefs, SLD

Policy Memo 057-A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K Glavin

Subject: Labeling Turkey Ham Products Containing Added Water
(9 CFR 381.171)

ISSUE: What is the appropriate labeling for a Turkey Ham product that contains added substances?

POLICY: This Policy Memo replaces Policy Memo 057. A product otherwise conforming to the standard for Turkey Ham under section 381.171 of the poultry products inspection regulations but weighing more than the original weight of the turkey thigh meat used prior to curing shall be descriptively labeled as follows:

(1) The product name must include in addition to "Turkey Ham", words that specify the amount of the additional substances, e.g., "and ____% Water", "With ____% Water Added" or "Turkey Ham and Water Product ____% of Weight is Added Ingredients" (The ingredients of the added solution may be incorporated into the product name, e.g., "Turkey Ham and Water Product ___% of Weight is Added Water, Salt, Dextrose, Sodium Phosphate, and Sodium Nitrite.") The blank is filled in with a percent determined by subtracting the original weight of the turkey thigh meat from the weight of the cooked finished product. "Turkey Ham and 12% Water" is an example.

(2) In retail and non-retail size packaging, the qualifying statements described in (1), i.e., "With ___% Water Added", "and ___% Water," "___% of Weight is Added Ingredients," and similar statements must be shown in lettering that is either not less than three-eighths inch in height or is at least one-third the size of the letters used in the product name, and in the same color and style and on the same background as the product name. Full length of the product labeling is not required.

FSIS 2630-5(12/79)

(3) The "Turkey Ham" portion of the product name must be qualified with the statement "Cured Turkey Thigh Meat" in the manner described in 381.171(e). This may be effected by using an asterisk as long as there is no type or other designs between the total product name and the qualifying statement. Other means of qualifying "Turkey Ham" will be evaluated based on clarity. Alternatively, the total name as described in (1) and (2) may be qualified with a statement that includes "Cured Turkey Thigh Meat" and the amount of added water, e.g., "Cured Turkey Thigh Meat and 12% Water." The statement should be presented in the manner described in 381.171(e).

(4) The product name shall be further qualified with the statement(s) required by section 381.171(f) and any other statement required in Part 381.

A product complying with the standard for Turkey Ham, containing added substances and descriptively labeled as stated above, must be produced under a Partial Quality Control (PQC) program approved by the Processed Products Inspection Division (PPID) prior to the use of the approved label.

RATIONALE: Processors using the newer cook-in films are finding it difficult to process Turkey Hams in compliance with the standard. The use of cook-in films results in a minimal amount of cooked-out juices with the excess moisture retained in the product. In addition, processors desire to provide consumers with a product similar in compositional characteristics to hams with added water. While the poultry product inspection regulations do not yet specifically provide for a Turkey Ham containing added substances, they do provide for descriptive labeling of non-standardized products. In addition, this policy statement is consistent with the intent of labeling policies developed for various meat and poultry products containing added solutions, including those products covered under the Protein Fat Free (PFF) regulations.

Labeling policies which historically have been followed for cured pork products are now being superseded by new policies accompanying the recently installed PFF regulations. Accordingly, labeling policy changes are also being made for Turkey Ham, a product which, by compositional design, closely approximates a cured pork product. One of these changes includes the lifting of the requirement that when ham products containing added solutions are placed in packages other than consumer-size, such products shall be marked with the qualifying statement the full length of the product. The new labeling policy for such additional label information no longer distinguishes consumer-size packages from those intended for non-retail uses. The other change allows the qualifying statements to be either in three-eighths inch lettering or one third the size of the product name if in the same style, color and on the same background. This should provide processors with sufficient flexibility in producing a product to meet various economic and nutritional needs of consumers while still providing fully informative labeling as required by the Poultry Products Inspection Act. The need for a PQC program approved by PPID is consistent with the requirement for other similar products.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 058-A

To: Branch Chiefs, SLD

AUG 5 1983

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Smoked Products

ISSUE: What guidelines should be followed when approving labeling for product prepared with natural smoke and/or smoke flavor (natural or artificial)?

POLICY: This replaces Policy Memo 058. The guidelines for approving labels for products prepared with natural smoke and/or smoke flavor (natural or artificial) are as follows:

(1) Meat or poultry products which have been exposed to smoke generated from burning hardwoods, hardwood sawdust, corn cobs, mesquite, etc., may be labeled as "Smoked" or with terms such as "Naturally Smoked" to indicate that the traditional smoking process is used.

(2) Meat or poultry products which have been exposed to natural liquid smoke flavor which has been tranformed into a true gaseous state by the application of heat or transformed into vapor by mechanical means, e.g., atomization, may be labeled "Smoked." (See Policy Memo 040).

(3) Meat or poultry products may be labeled "Smoked" if natural liquid smoke flavor is applied by spraying, dipping, liquid flooding or similar processes prior to or during heat processing. In such cases, the natural liquid smoke flavoring must be transformed into a true gaseous state by the heat of processing.

(4) Meat or poultry products to which smoke flavor (natural or artificial) has been directly applied to the exposed product surface, e.g., massaging or marination, or incorporated into the product by such means as injection, must be labeled to identify the smoke flavor as part of the product name, e.g., "Ham-Natural Smoke Flavor Added" and in the ingredients statement.

(5) Meat or poultry products that are smoked as provided for in (1), (2) and (3) above and also treated with smoke flavor as described in (4) may only be labeled "Smoked" or with terms such as "Naturally Smoked" as appropriate, if it is clearly disclosed that the product is also treated with smoke flavor. The

presence of the smoke flavor must be identified as part of the product name, e.g., "Smoked Ham-Smoke Flavoring Added" and in the ingredients statement.

RATIONALE: In the past few years, labeling policy has been developed that permits products exposed to natural liquid smoke flavor under certain specified conditions to be labeled "Smoked." However, product smoked in the traditional manner, i.e., exposed to smoke generated from burning hardwood, etc., has for many years been labeled "Smoked." Thus, the consumer cannot distinguish between a product smoked in the traditional manner from a product treated with smoke flavor unless labeling in addition to the term "Smoked" is permitted. Processors smoking products in the traditional manner, i.e., by exposing product to smoke generated from burning hardwood, etc., have expressed a desire to label such products with terms such as "Naturally Smoked" to indicate that the traditional process was used. This policy statement provides for the use of this and similar phrases for traditionally smoked products because they are appropriate and serve to provide a distinction between the traditional smoking process and the newer methods.

Present labeling policy makes a distinction between smoke flavor added to the outside of a product and natural smoke flavor that is added as an ingredient so that it becomes an integral component of the product. This policy statement is in part intended to clarify this distinction. It has been industry practice in the past to use a smoke flavoring solution to shower sausages and meat food products in casings to impart a smoke characteristic to the product during the cooking process. It is also becoming a practice to shower products that are not in casings. Since the heat of processing vaporizes the smoke flavoring which then imparts the smoked characteristic to the product, the product does not have to be labeled to indicate the presence of the smoke flavoring and may be labeled as "Smoked." However, there is a distinction to be made when the smoke flavoring solution is applied directly to the exposed product surface by such means as massaging or marination or incorporated into the product by such means as injection. In such cases, the smoke flavoring solution itself becomes an ingredient and an integral part of the product and must be declared on the labeled product.

Furthermore, questions have been raised about the required labeling for products that have been smoked and also treated in some way with smoke flavor. This policy statement sets forth the need to identify the use of the smoke flavor as a qualifier to the product name and in the ingredients statement on the labeling for a product that is also smoked and labeled as "Smoked" or "Naturally Smoked." The meat and poultry inspection regulations (9 CFR 317.2(j)(3) and 381.119) already require that if a smoke flavor is added as an ingredient that the product name must be qualified to indicate its presence and be declared in the ingredients statement. Product meeting the criteria necessary to be labeled "Smoked" and to which a smoke flavor is also applied either to the exposed product surface or incorporated into the product so that it becomes an ingredient, would be misbranded if the labeling did not identify the use of the smoke flavor. Since not all of the smoke character of the product is imparted by the smoking process, the consumer would be led to believe that the product was only smoked and could not make a proper value judgment without further labeling information.

United States Department of Agriculture

Food Safety and Inspection Service

POLICY MEMO 059

To: Branch Chiefs, SLD

MAR 29 1983

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Labeling Turkey Ham Products Containing Ground Turkey Thigh Meat (9 CFR 381.171).

ISSUE: What is the appropriate labeling for a Turkey Ham product containing ground turkey thigh meat?

POLICY: Small amounts of ground turkey thigh meat may be added as a binder in turkey ham products as defined in 9 CFR 381.171 without declaration provided the ground turkey thigh meat is made from trimmings that are removed from the turkey thighs during the boning and trimming process. The amount of ground turkey thigh meat that may be used can represent no more than the amount that was trimmed and in no case more than 15 percent of the weight of the turkey thigh meat ingredients at the time of formulation. Products containing any ground turkey thigh meat not removed during the boning and trimming processes or products containing more than 15 percent ground turkey thigh meat must be labeled to indicate the presence of the ground turkey thigh meat, e.g., "a portion of ground turkey thigh meat added." The provision in the regulations (9 CFR 381.171(f)) regarding the required use of terminology such as "Chunked and Formed," "Chopped and Formed," and "Ground and Formed" will continue to be followed.

RATIONALE: Rapid advances in processing have provided the technology to prepare products with and without small amounts of ground trimmings that assume all the characteristics associated with the product. Since these products conform to public expectations, consumers may be confused or misled by terminology which seems to connote an inferior product. Total product that has been subject to mechanical reduction, such as grinding, serves to recharacterize the product in a way that is significantly different from that normally expected by consumers. Therefore, qualifiers such as "Ground and Formed" will continue to be required.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

United States
Department of
Agriculture

Food Safety
and Inspection
Service

SEP 10 1985

To: Branch Chiefs
Standards and Labeling Division

Policy Memo 061-A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret OK Glavin

Subject: Corn Dogs

ISSUE: In labeling corn dogs prepared using poultry franks, how should the kind name "Chicken" or "Turkey" be shown?

POLICY: This policy memorandum replaces policy memorandum 61. "Corn Dogs" made from poultry cooked sausages such as poultry franks or poultry frankfurters must show the "kind" of the poultry used in conjunction with the coined name, "Corn Dogs" as "Chicken (or Turkey) Corn Dogs." The kind name should be shown in type size at least one-third the size of the largest letter of the coined name. A descriptive name such as "Batter Wrapped Chicken Franks on a Stick" must accompany the coined name. If the descriptive name is at least one-third the size of the coined name, the kind name need not precede the coined name.

RATIONALE: "Corn Dog" or "Korn Dog" has been accepted as a coined name when followed by a descriptive name such as "Batter Wrapped Frank on a Stick." Consumers do not normally expect poultry as the main ingredient in corn dogs which have historically been prepared from red meat only. The use of poultry franks in preparing "Corn Dogs or Korn Dogs" has been increasing in popularity. The present labeling policies do not make it clear how a corn dog made with poultry ingredients should be labeled. Since these products are traditionally red meat products, prominent and clear labeling must be used when product is prepared using poultry franks.

FSIS 2630-5(12/79)

The original policy memorandum 061, which required the kind name to be the same size, did not follow previous practices in this type labeling nor did it agree with the requirements of policy memorandum 087 which stipulates one-third the size for other parts of product names on other products. The Division believes that with the use of the one-third concept the consumer will have sufficient information upon which to base his or her selection.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

JAN 12 1984

To: Branch Chiefs
SLD

Policy Memo 063

Robert G. Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: Sampling and Labeling Requirements for Products Labeled as "Uncured"

ISSUE: What are the sampling and labeling requirements for products labeled as "uncured"?

POLICY: In accordance with 9 CFR 317.17 and 9 CFR 319.2, products such as bacon, pepperoni, or ham, in which nitrite and/or nitrate is required or expected may be prepared without such cures when the product name is immediately preceded by the term "Uncured" provided that samples are found by the Administrator to be similar in size, flavor, consistency and general appearance to such product as prepared with cures.

Other products such as a smoked sausage, which are frequently found in either the cured or uncured state, may be prepared without curing ingredients such as nitrite or nitrate. These uncured products may or may not be labeled as "Uncured." If they are so labeled, samples are not required for administrative review, but labeling and handling statements are required similar to 9 CFR 317.17 whenever the term "Uncured" is voluntarily used as part of the product name.

RATIONALE: Current meat inspection regulations do not specifically address name labeling for products which may be found in either the cured or uncured state when processors elect to precede the name of an uncured product with the term "Uncured." This policy is being adopted to eliminate confusion and establish controls for product within this area. Samples for administrative review are not required for these products, since they retain characteristics associated with their name whether they are cured or not. It is important to include handling statements on these labels, however, to discourage thermal abuse and to otherwise provide adequate assurance of product safety.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

FEB 2 1984

To: Branch Chiefs, SLD

Policy Memo 064

Robert G. Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: Beef Cheek Meat

ISSUE: Use and Labeling of Beef Cheek Meat as an Ingredient in Meat Food Products.

POLICY: Beef cheek meat may be used in unlimited quantities and identified as beef in meat food products unless restricted by regulatory standards for specific products as indicated in 9 CFR 319.15, 319.81, 319.100, 319.300, 319.301 and 319.303.

RATIONALE: Beef cheek meat is considered to be beef and is used and declared as beef in most processed meat products. There are certain restrictions on the use of beef cheek meat and label identification required as identified above for certain products. These use and labeling restrictions have been extended to include products such as burritos, meat loaf and canned meat loaf, but not to other similar products. Reasons for singling out these specific products for use and labeling restrictions on beef cheek meat are unclear. Use of the ingredient does not diminish the nutritional quality of these products. Beef cheek meat is included in the definition of beef which was recently published in a rulemaking proposal (48 FR 15927, April 13, 1983) and has always been considered as beef. Therefore, it seems appropriate that products containing beef cheek meat be handled in a uniform manner unless subject to specific requirements in Part 319.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

United States
Department of
Agriculture

Food Safety
and Inspection
Service

FEB 27 1986

To: Branch Chiefs, SLD

Policy Memo 066A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Red Meat Products Containing Added Solutions

ISSUE: The labeling of red meat products containing added solutions.

POLICY: This Policy Memo replaces 066 and the present entry in the Policy Book entitled "Water-Base Seasoning Solutions Allowed in Beef, Fresh or Cooked."

Solutions of any amount may be added to cured or uncured red meat products including those that have been chunked, ground, wafer sliced, etc., and formed, if the product name is qualified by a statement indicating the composition and the amount of the added solution. The statement must identify the common or usual names of all the ingredients added in their proper order of predominance and may identify the method of addition, e.g., injected, massaged, dipped, etc. An example of an acceptable qualifying statement is "Injected with up to 20 percent of a solution of water, salt, and sodium phosphates." Other similar statements will be considered on their merits. The statement must be contiguous to the product name and printed in a style and color as prominent as the product name. The statement must be at least one-fourth the size of the most prominent letter in the product name except the ingredients of the solution can be in print no less than one-eighth the size of the most prominent letter in the product name.

Since the regulations (9 CFR 319.101 & 102) allow uncooked corned beef brisket to contain 20 percent and uncooked corned beef round and other cuts 10 percent of a curing solution above the weight of the fresh uncured product, the above labeling scheme does not apply until these levels are exceeded. Similarly, the labeling scheme does not apply to uncooked cured pork trimmings or uncooked cured pork which is not labeled to indicate the presence of hams, loins, shoulders, butts, picnics or cured pork made from parts not covered by the Protein Fat Free regulations, until more than 10 percent added substance is present. If uncured products to which solutions are added are subsequently cooked, a statement of the composition and the amount of the solution added prior to cooking must accompany the product name. The statement may include an indication that the addition took place prior to cooking, e.g., "Prior to cooking injected with up to 20 percent of a solution of water, salt, and sodium phosphates." A statement of the amount of solution remaining after cooking may also be included. This is determined by subtracting the weight of the fresh meat article from the weight of the finished product.

The labeling of cured, cooked products such as ham and corned beef is covered by other regulations and policies.

Except for the situations identified below, a partial quality control program for the addition of solutions must also be approved by the Processed Products Inspection Division before the label can be used regardless of the amount of solution added.

The addition of an enzyme solution to meat products is limited to 3 percent by regulation (9 CFR 318.7(c)(4)) and is not subject to a partial quality control program. If a product is treated with an enzyme solution and a flavoring solution, separately or in one step, both treatments should be separately identified on the label.

In situations where it has been customary to mix up to 3 percent water with seasonings and flavorings and rub the mixture onto the surface of the meat, the qualifying statement describing this treatment does not have to include the amount and a partial quality control program is not needed. If, however, the water is incorporated into the meat by extensive rubbing or by massaging or tumbling, a statement of the composition and the amount of any solution absorbed is needed as described herein. An approved partial quality control program is also needed.

For products marinated with a solution up to 10 percent, the qualifying statement does not have to include the percentage of solution contained in the product. The term "marinated" and similar terms may not be used if the amount of solution added to the product is above 10 percent. Moreover, if the amount of solution added is above 10 percent, the statement indicating the presence of the solution must identify the percentage of the solution, e.g., "Containing 15 percent of solution of water, salt, sugar, and sodium phosphates." Products marinated with solutions up to 10 percent are not subject to a partial quality control program.

The policy is intended to apply to solutions that impart favorable flavor and other sensory characteristics, but not to solutions that contain ingredients used to extend a product such as isolated soy protein.

Processors of products with labeling not in compliance with this policy memo and/or in need of a partial quality control program must make the necessary labeling changes and/or acquire approval of the partial quality control program within 6 months of the date of this policy memo.

RATIONALE: The addition of various solutions has been approved in various products including beef for further cooking, roasts, and steaks. These solutions are added by various means to impart favorable flavoring and other sensory characteristics to the finished product. Existing policies and regulations, however, do not address the addition of solution to meat products, in all cases, and often place a limit of 10 percent on the addition in most situations. Additions above those now permitted are considered appropriate, but since the nature of the meat products is changed, it is necessary that the product be labeled to identify the amount and composition of the solution.

Both the meat and poultry regulations require that a product have a standardized name or if none exists a common or usual name. If neither exists, the product must have a truthful descriptive name. Because these products, which contain solutions, have neither a standardized nor a common or usual name, a descriptive name is needed. The traditional name, supplemented with the required qualifiers to create the necessary distinction from the traditional product, serves this function.

The need for a quality control program is consistent with our past labeling policies for use of percentage declarations on labeling. A quality control program is required in all cases since the amount of the solution that can be added will no longer be subject to any upper limit.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 068

To: Branch Chiefs
SLD

FEB 9 1984

Robert G. Hibbert

From: Robert G. Hibbert, Director
SLD

Subject: Requirements for the Use of Geographic and Related Terms on Product Labels

ISSUE: What are the requirements for product labels containing terms of geographical origin to be in compliance with the Federal meat inspection regulations (9 CFR 317.8(b)(1)) and the Federal poultry products inspection regulations (9 CFR 381.129(b)(2))?

POLICY: Any label representation that expresses or implies a particular geographical origin of the product or any ingredient of the product shall not be used except when such representation is:

1) A truthful representation of geographical origin, e.g., "Virginia Ham" for a ham produced in the State of Virginia; or

2) A trademark or trade name which:

a) has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product of the particular manufacturer or distributor, e.g., "Swiss Chalet"; or

b) is so arbitrary or fanciful that it is generally understood by the consumer not to suggest geographical origin, e.g., "Moon Sausage"; or

3) A part of the name required or allowed by an applicable Federal law, regulation or standard, e.g., "Frankfurter", "Vienna;" or

4) A name whose market significance is generally understood by consumers to connote a particular class, kind, type or style of product or preparation rather than to indicate geographical origin of the product, e.g., "Mexican Style Dinner", "Italian Style Pizza". Such terms must be qualified with the word "style" or "type" unless specifically approved by the Administrator as a generic term, e.g., "Lebanon Bologna," "Genoa Salami," "Milan Salami".

Any geographical representation that does not meet the aforementioned guidelines should be qualified by the word "brand" provided that the word "brand" is not used in such a way as to be false or misleading. A qualifying statement identifying the place where the product was actually made is required in proximity to the brand name, e.g., "Milwaukee Brand Bacon, Made in Chicago, Illinois". The word "Brand" must be in the same size and style of type as the geographical term. If the product has a foreign brand name, it may be identified as having been made in this country, e.g., "Scandinavian Brand Bacon, Made in U.S.A.".

RATIONALE: For many years, terms of geographical origin have appeared on the labeling of meat and poultry products. If the term has geographical significance, it is permitted under conditions specified in section 317.8(b)(1) of the Federal meat inspection regulations and section 381.129(b)(2) of the Federal poultry products inspection regulations. This policy memorandum acknowledges that some products whose labels contain geographic references may conform to certain ethnic or cultural expectations regarding product composition, characteristics or method of preparation without necessarily being false or misleading or connoting any geographical significance to the consumer, e.g., "Mexican," "Italian".

However, as the use of these features has become common and widespread, the possibility still exists for indiscriminate use of these terms which may be confusing or misleading to consumers. Accordingly, the Standards and Labeling Division is issuing these guidelines to further prescribe and define interpretations of the regulations in which terms having geographical, cultural or ethnic significance may be used. These guidelines are similar to the food and drug regulations on geographic representations (21 CFR 101.18(c)).

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 069

To: Branch Chiefs

MAR 2 3 1984

Robert G. Hibbert

From: Robert G. Hibbert, Director, SLD

Subject: Labeling for Substitute Products

ISSUE: Appropriate labeling for products which resemble and are not nutritionally inferior to standardized meat or poultry products.

POLICY: If a product fails to comply with a standard only because the meat or poultry content is lower than required and the product has a generic identity as a non-meat product (e.g., pizza, stew, pies), then the product may be designated by the non-meat terminology in the standardized name (e.g., "PIZZA", "STEW", "PIE") provided the meat/poultry content of the product is conspicuously disclosed contiguous to the product name along with a statement of the amount of meat/poultry in the standardized product. For example, PIZZA (contains 5% sausage; SAUSAGE PIZZA contains 12% sausage). Such product may not be nutritionally inferior to the standardized product it resembles. For this purpose, nutritional inferiority is defined, consistent with the requirement of 21 CFR 101.3(e)(4), as any reduction in the content of an essential nutrient that is present at 2% or more of the U.S. RDA per serving of protein or any of the vitamins or minerals for which U.S. RDAs are established. A quality control procedure must be approved for such products by the Processed Products Inspection Division before the label can be used.

If a product is nutritionally inferior to the standardized product it resembles, it must be labeled "imitation" in accordance with 9 CFR 317.2(j) and 9 CFR 381.1(b).

RATIONALE: This policy allows some flexibility in developing and marketing products that may be substituted for a standardized product while maintaining the product's nutritional quality and providing labeling that better informs the public of the actual characteristics of the new products. The use of such an approach is in keeping with the Department's policy to allow descriptive labeling, in lieu of imitation labeling, for products which are not nutritionally inferior to a standardized product. The need for a quality control program is consistent with the Department's policy regarding percentage labeling.

United States Department of Agriculture

Food Safety and Inspection Service

MAR 31 1986

To: Branch Chiefs, SLD

Policy Memo 070A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Margaret O'K. Glavin

Subject: Fat and Lean Claims

ISSUE: What are the guidelines for the review and approval of labeling claims relating to the fat and lean content of meat and poultry products?

POLICY: This policy memo replaces Policy Memo 070. Emphatic expressions of the lean content of a meat or poultry product i.e., "lean," "extra lean," and "low fat" and comparative expressions of lean or fat content, e.g., "leaner," "lower fat," "less fat," may be used in the labeling of meat and poultry products.

"Lean" and "low fat" may be used only for those products that contain no more than 10 percent fat. "Extra lean" may be used only for those products that contain no more that 5 percent fat. In each case, the actual amount of fat in the product must be disclosed, e.g., "contains 4 percent fat" and either accompany the claim or be referenced by means of an asterisk and placed elsewhere on the principal display panel, on the information panel or be included as a part of other nutrition information.

Comparative expressions of the lean or fat content of products may be used only if there is at least a 25 percent reduction or difference in fat or lean content from (1) the amount of fat permitted by an applicable standard if the amount of fat identified by the standard is representative of the majority of the products in the marketplace, e.g., a comparison to the pork sausage standard would not be permitted because market-basket surveys have shown that the average fat content of pork sausage is approximately 40 percent and not close to the 50 percent fat allowed by the standard, (2) the amount of fat in a market-basket survey of comparable products, or (3) the amount of fat in a similar product or class of products as found in recent applicable references such as the revised editions of Composition of

Foods - Agriculture Handbook No. 8. An explanation that includes quantitative information about the fat or lean content of the lower fat product and a comparison of its fat or lean content to any of the above references must also be included on the labeling. For example, the explanation for a product labeled "Leaner Ground Beef" might be "This product contains 20 percent fat, which is 33 percent less fat than allowed by the USDA standard for ground beef."

Fanciful names, brand names, and trademarks often include lean terms. In the case of frozen dinners and entrees, the terms are assumed to represent these products as useful in the reduction or maintenance of body weight. An example is "Lean Cuisine." When such terms are used for this purpose, the products must be nutritionally labeled in accordance with Policy Memo 039. In other situations where the terms are included in fanciful names, brand names, and trademarks to convey the leanness of a product or a substantial reduction in fat, the explanation for comparative expressions of lean or fat content described herein is required unless the products meet the definitions for "lean," "extra lean," or "low fat."

All products with claims about the lean content will be closely examined to assure that the products became leaner due to the replacement of fat by lean material, i.e., indigenous meat or poultry protein and the natural moisture associated with the protein. In situations where a fat content declaration would not accurately reflect the lean content of the product, a statement that discloses the actual amount of lean material in the leaner product expressed as the percent lean material or percent protein may be needed, e.g., "50 percent leaner than average _________ -- contains 25 percent protein." These statements may accompany the claim or be referenced by means of an asterisk and placed elsewhere on the principal display panel or on the information panel.

Generally, the emphatic claims "lean" and "extra lean" will be limited to products composed solely of fat and lean material with no added substances such as water or extenders. In those limited situations where it can be demonstrated that the product before and after the addition of any added substances contained no more than 10 percent or 5 percent fat, as the case may be, the emphatic claims may be used. For example, a ham and water product could not be labeled "lean" if it contained 10 percent fat since the product became lean by dilution with water and other added substances. However, if the meat portion contained no more than 10 percent fat before processing, the product could be labeled "lean."

At the time of label approval, the fat or lean claims must be substantiated by laboratory analyses. At a minimum, three laboratory analyses are needed and, in accordance with Policy

Memo 086 on Nutrition Labeling, it is preferred that each analysis be performed on a sample from a composite of 12 packages from 12 consecutive production lots to attain an adequate representation of the fat or lean content of the product. If the explanatory statement refers to market-basket data, sufficient data must also be submitted to demonstrate that the fat or lean content is representative of products in the marketplace. If comparisons to market-basket data are made, it will be necessary that at least yearly the data are reconfirmed. A partial quality control program or nutrition labeling verification program must also be approved before the label may be used.

The policy of allowing on the labeling of whole cuts or parts of meat or poultry terms such as "lean" and "extra lean" if stated in the possessive and accompanied by a guarantee statement is withdrawn. These products must meet the definitions for use of these terms. Comparative terms, e.g., "leaner," "lower fat," etc., may be used if there is at least a 25 percent decrease in fat or increase in lean content of the product. In this case, a comparative explanation as described above is required.

Labeling not in compliance with the provisions of this policy memo should be modified as soon as possible, but no later than 1 year from the date of this memo.

RATIONALE: Labeling claims concerning a product's fat or lean content can be informative and useful to consumers in making food choices. Processors producing products with reduced amounts of fat or using leaner meat or poultry ingredients should be able to label their products to indicate this characteristic. A claim alone without some explanation of its meaning may be misleading and in most cases does not provide the information necessary to make a value judgment. The explanation accompanying most claims must be designed to enable the consumer to make a comparison. In some cases, a disclosure of only the fat or lean content will provide the necessary information.

The policy allowing only a reduction to 25 percent fat (a 17 percent reduction) for products that may contain no more than 30 percent fat is being withdrawn. It is recognized that this was an anomaly and it is preferable to be consistent with other policies both within this agency and the Food and Drug Administration that require a 25 percent reduction in some component before a claim can be made.

Definitions are being established for "lean," "extra lean," and "low fat" since they are absolute terms which have taken on increasing importance to the consumer in recent years. "Lean" and "low fat" are comparable in meaning and are given the same definition. "Extra lean" is given a more strict definition because consumers would expect a product so labeled to have less fat that a product labeled "lean" or "low fat."

The longstanding policy of allowing the use of fat and lean claims if stated in the possessive and accompanied by a guarantee statement is being withdrawn. The widespread interest in fat and its relation to diet demands that quantitative information be available to the consumer. Furthermore, the policy had only limited application, and it is important to have a consistent approach for all products in order to avoid confusion and promote consumer understanding.

The comparisons to leading brands, a leading brand, or the company's regular product are no longer being permitted in the interest of eliminating comparisions that have limited value. In some cases the leading brand or regular product was not marketed in the same areas as the "leaner" or "lower fat" product and these comparisons were of limted value to consumers. Also, the leading brand or regular product comparisons provide information which often is not representative of most products in the marketplace.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAR 31 1986

To: Branch Chiefs, SLD

Policy Memo 071A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Margaret O'K Glavin

Subject: Lite and Similar Terms

ISSUE: What are the guidelines for the review and approval of labeling terms such as "Lite," "Light," "Lightly" and similar terms?

POLICY: This policy memo replaces policy memo 071. Terms such as "Lite," "Light," "Lightly," may be used on the labels of meat and poultry products. Such terms generally imply that a product has significantly fewer calories than expected in a similar product, but often are used to relate that a product has significantly less fat, salt, sodium, breading and/or other components than a similar product. A significant reduction is considered to be at least 25 percent. In the case of a salt reduction, the sodium content must also be reduced by at least 25 percent (see Policy Memo 049C).

If used, the terms generally must be explained either adjacent to the term or referenced by means of an asterisk and placed elsewhere on the principal display panel or on the information panel. The explanation must provide to the purchaser quantitative information about the amount of calories, fat, salt, sodium, and/or other components in the product and include a quantitative comparison to (1) the amounts permitted by an applicable standard if the amount identified by the standard is representative of the majority of the products in the marketplace, e.g., a comparison to the fat content of the pork sausage standard would not be permitted because market-basket surveys have shown that the average fat content of pork sausage is approximately 40 percent and not close to the 50 percent fat allowed by the standard, (2) the amounts found in a market-basket survey of comparable products, or (3) the amounts in a similar product or class of products as found in recent applicable reference sources such as the revised editions (since 1976) of Composition of Foods -- Agriculture Handbook No. 8.

RATIONALE: Labeling policy established in the early 1970s permitted a composite ingredients statement for pepperoni used on pizzas. Similar requests were rejected for other multi-ingredient nonstandard components on the basis that it is difficult to justify that such labeling is not false and within our statutory and regulatory responsibilities. The Federal Meat Inspection Act (FMIA), Section 1(n) (9)(B) considers a product "misbranded" unless its label bears the common or usual name of each ingredient; and under Section 1(n)(1) misbranded if its labeling is false or misleading in any particular. Therefore, Policy Memo 060 was issued because the composite ingredient labeling as provided for in the past was "false and misleading" and because ingredients were listed which were not necessarily present in the product.

In response to the publication of Policy Memo 060, the National Frozen Pizza Institute (NFPI) requested that a form of composite ingredient labeling for pepperoni used on pizzas be instituted. The NFPI recognized that the past policy for composite ingredient labeling was legally insufficient. However, the NFPI cited a proviso of Section 1(n)(9) of the FMIA that states that if listing the common name of each ingredient is impracticable, or results in deception or unfair competition, that exemptions can be established by regulations promulgated by Secretary. NFPI contended that pepperoni pizza processors are in a unique position because most pizza processors use at least two suppliers of pepperoni and that the suppliers, which are often small, utilize traditional, decade-old formulas which they do not wish or cannot change. The NFPI requested that a form of composite ingredient labeling be allowed that identifies to the consumer that the ingredients statement contains all possible optional ingredients. NFPI offered two approaches, one was to precede the entire ingredients statement with the "may contain" terminology; the other was to identify only those ingredients that are optional. It was argued that such approaches would provide consumers with the necessary information required by the Acts and the regulations and would dispel arguments that composite ingredient labeling is false and misleading.

The Agency determined that the petition had merit and should be addressed through rulemaking. In the interim period, Policy Memo 065 was published to provide for some limited adoption of a composite labeling approach in order to eliminate labeling which is currently false without imposing unnecessary hardships upon processors which have relied for several years on previous Departmental policy.

Recently, a processor who purchases bacon from various sources for rendering into bacon bits requested and was granted composite ingredient labeling similar to that approved for the pepperoni used on pepperoni pizza. The "may contain" formats as outlined in this memo are considered acceptable pending rulemaking on this issue.

certainly does not provide the information necessary for consumers to make informed judgements. The explanation accompanying most claims must be designed to enable the consumer to make a comparison. In some cases where a product is unquestionably low in various components, a disclosure of only the absolute amount will provide the necessary information.

The policy of allowing a reduction to only 25 percent fat (a 17 percent reduction) for products that may contain no more than 30 percent fat is being withdrawn. It is recognized that this was an anomaly and it is preferable to be consistent with other policies both within this Agency and the Food and Drug Administration that require a 25 percent reduction in some component before a claim may be made.

The comparisons to leading brands, a leading brand, or the company's regular product are no longer being permitted in the interest of eliminating comparisons that have limited value. In some cases the leading brand or regular product was not marketed in the same areas as the "lite" product and these comparisons were of limited value to consumers. Also, comparisons to the leading brand or regular product provide information which often is not representative of most products in the marketplace.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 072

To: Branch Chiefs, SLD

MAY 1 8 1984

From: Robert G. Hibbert, Director
Standards and Labeling Division, MPITS

Subject: Composite Ingredients Statement

ISSUE: Can some form of composite ingredient labeling be used for a multi-ingredient component of a meat or poultry product?

POLICY: This Policy Memo replaces Policy Memos 060 and 065. Processors who find it necessary to use as an ingredient a multi-ingredient product, e.g., pepperoni from various sources, each having similar but different formulations, may identify all the ingredients that may be present from all the various formulations (i.e., a composite ingredients statement). However, the ingredients identified as those that may be present can only be those ingredients that are minor in nature and can not include ingredients such as the meat component that have a bearing on the overall characteristics or value of the product. The minor ingredients must be identified using one of the following examples of acceptable formats:

1) ... pepperoni (pork, beef, water, salt, spices, sodium nitrite. May also contain lactic acid starter culture, sugar, and sodium ascorbate).

2) bacon bits (cured with water, salt, dextrose and/or sugar, sodium nitrite).

3) ... pepperoni [pork, beef, water, sweeteners (contains one or more of the following: sugar, dextrose, fructose, corn syrup), salt, spices, sodium nitrite].

The application for label approval must identify all the ingredients of each type of component that is used so the accuracy of the composite ingredients statement can be determined. All labeling for meat and poultry products must either comply with this type of format or, alternatively, accurately list all ingredients used in the product formulation within six months of the date of this memo.

For products that are unquestionably low in calories, fat, salt, breading or sodium, the explanation required to accompany such terms need only consist of a disclosure of the actual amount in the product. For this purpose, the amount of calories can be no more than 40 calories per serving and no more than 0.4 calories per gram of product. For fat and breading, the product can contain no more than 10 percent. For salt and sodium, the product can contain no more than 35 mg of sodium per 100 grams of product.

Fanciful names, brand names, and trademarks often include lite terms. In the case of frozen dinners and entrees, the terms are assumed to represent these products as useful in the reduction or maintenance of body weight. An example is "Dining Lite." When such terms are used for this purpose, the products must be nutritionally labeled in accordance with Policy Memo 039. In other situations where the terms are included in fanciful names, brand names, and trademarks to convey the leanness of a product or a substantial reduction in fat, the explanation for comparative expressions of fat content described above is required. Those products containing no more than 10 percent fat may provide a declaration of fat content as the explanatory statement.

At the time of label approval, the amounts of the components in the product are to be substantiated by laboratory analyses (breading would be determined by the formulation). At a minimum, three laboratory analyses are to be performed and ideally each analysis should be from a composite of 12 ready-to-sell product units from 12 consecutive production lots. If the explanatory statement refers to market-basket data, sufficient data must be submitted to demonstrate that the data are representative of the market, and these data must be reconfirmed at least yearly. A partial quality control or nutrition labeling verification program must be approved before labeling may be used.

Labeling not in compliance with the provisions of this policy memo should be modified as soon as possible, but no later than 1 year from the date of this memo.

RATIONALE: Labeling claims that include terms such as "Lite," "Light," "Lightly," and similar terms which imply that a product has reduced levels of various components can be informative and useful to consumers in making food choices. Processors making products with reduced amounts of various components should be able to indicate this characteristic on labeling. A claim alone without some explanation of its meaning may be misleading and

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 075

To: Branch Chiefs, SLD

AUG 1 4 1984

Joseph [illegible] for

From: Robert G. Hibbert, Director, SLD

Subject: Dual Inspection Legends on Product Containers

ISSUE: May both the meat inspection legend and the poultry product inspection legend be printed on the same product container?

POLICY: Containers of products intended for sale to household consumers can bear only the official mark of inspection of the product enclosed.

Containers of products intended for distribution to other than the retail trade may bear both the official meat inspection legend and the official poultry products inspection legend.

RATIONALE: A large number of official establishments operate under Federal grants of inspection for both meat products and poultry products. Considerable economies can be realized by these establishments when certain containers can be utilized for both meat and/or poultry products. In the mid-70s, a policy was adopted that permitted both official marks of inspection to be printed on certain containers similar to the policy in this statement. This policy has permitted processors to greatly reduce their inventory of containers. Instead of maintaining separate inventories of certain meat product containers and poultry product containers, processors can print both inspection legends on one container and use it for either meat products or poultry products. This policy memorandum clarifies and updates the present policy book entry on this subject and permits the use of dual inspection legends on all containers not intended to be sold to household consumers. It is believed that the use of dual inspection legends on containers intended for sale at the retail level has the potential for creating consumer confusion. The policy book presently indicates that shipping container legends should be submitted to Washington for approval. This no longer is required as the Inspector in Charge has been granted the authority to approve the legends on shipping containers.

FSIS 2630-5(12/79)

United States
Department of
Agriculture

Food Safety
and Inspection
Service

SEP 21 1984

Policy Memo 076

To: Branch Chiefs
Standards and Labeling Division, MPITS

Robert G. Hibbert

From: Robert G. Hibbert, Director
Standards and Labeling Division, MPITS

Subject: Standards and Labeling Requirements for Duck Liver and/or Goose Liver "Foie Gras" Products

ISSUE: What are the standards and labeling requirements for duck liver and/or goose liver "foie gras" products?

POLICY: Goose liver and duck liver foie gras (fat liver) are obtained exclusively from specially-fed and fattened geese and ducks. Products in which foie gras is used are classified into the following three groups based on the minimum duck liver or goose liver foie gras content:

A)

FRENCH PRODUCT NAME	ACCEPTABLE ENGLISH PRODUCT NAME
Foie Gras D'Oie Entier	Whole Goose Foie Gras
Foie Gras de Canard Entier	Whole Duck Foie Gras

These are products in which goose liver or duck liver foie gras are the only animal tissues present. They may contain added substances such as seasonings and cures and when truffles are featured in the product name, they are required at a minimum three percent level.

B)

FRENCH PRODUCT NAME	ACCEPTABLE ENGLISH PRODUCT NAME
Foie Gras D'Oie	Goose Foie Gras
Foie Gras de Canard	Duck Foie Gras
Bloc de Foie Gras D'Oie	Block of Goose Foie Gras
Bloc de Foie Gras de Canard	Block of Duck Foie gras
Parfait de Foie Gras D'Oie	Parfait of Goose Foie Gras
Parfait de Foie Gras de Canard	Parfait of Duck Foie Gras

These products are composed of a minimum 85 percent goose liver or duck liver foie gras, although "parfaits" may contain mixtures of goose liver and/or duck liver foie gras. These products may also contain a wrapping or stuffing consisting of the lean or fat of pork, veal, or poultry, pork liver, and/or aspic jelly. When these ingredients are used, their presence must be indicated in a product name qualifier. Truffles, when featured in the product name, are required at a minimum three percent level.

C)

FRENCH PRODUCT NAME	ACCEPTABLE ENGLISH PRODUCT NAME
Pate de Foie D'Oie	Pate of Goose Liver
Pate de Foie de Canard	Pate of Duck Liver
Galantine de Foie D'Oie	Galantine of Goose Liver
Galantine de Foie de Canard	Galantine of Duck Liver
Puree de Foie D'Oie	Puree of Goose Liver
Puree de Foie de Canard	Puree of Duck Liver

These products must contain a minimum of 50 percent duck liver and/or goose liver foie gras and may also contain a wrapping or stuffing of the lean or fat of pork, veal, or poultry, pork liver, aspic jelly, extenders, and/or binders. When these ingredients are used, their presence must be indicated in a product name qualifier. Truffles, when featured in the product name, are required at a minimum one percent level.

In all groups, an English translation of the term "foie gras" is not required, although all other product name terms must be translated into English. The kinds of poultry liver(s) used must be indicated in the product name. Also, other species and/or binders used must be indicated in a product name qualifier immediately following the product name, while the ingredient statement must follow the product name or qualifier as the case may be.

RATIONALE: In 1975, representatives of the French government petitioned the USDA to adopt the French standards for foie gras products. An agreement was reached between our respective governments to follow these standards pending a rulemaking procedure. Although a rulemaking was not finalized at that time, over the years the French standards were followed and applied to foie gras products.

In June of 1980, the French government and trade associations revised their 1973 standards for foie gras products and requested our renewal and approval of the new regulations. Since the standards followed over the years for the imported product have become obsolete and the marketing and consumption of these products have become more popular, SLD has decided to follow these requirements with some modifications including the English translation of French terms, the requirements for product name qualifiers, and other general policy requirements. The adoption of these requirements will eliminate confusion and provide a descriptive classification for these products.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

POLICY MEMO 077

OCT 1 1 1984

Branch Chiefs, SLD

Robert G. Hibbert, Director, SLD

Labeling and Standards Requirements for Quiche Products

ISSUE: What are the appropriate labeling and standards requirements for quiche products?

POLICY:

Labeling

The term "Quiche" does not have to be qualified to indicate it is a custard cheese pie. However, when characterizing ingredients, such as bacon, ham, chicken, onion, etc., are used either alone or in combination, the ingredients shall be either clearly identified as part of the product name or prominently displayed elsewhere on the principle display panel (PDP) of the label (e.g., Bacon Quiche, Ham and Onion Quiche, etc.). Similarly, the characterizing ingredients in Quiches bearing fanciful names shall be identified as part of the product name or highlighted elsewhere on the PDP, (e.g., Quiche Bercy - made with ham and wine). Since "Quiche Lorraine" is widely recognized, the characterizing ingredients do not have to be identified as a part of the product name or elsewhere on the PDP.

Standards

Meat and poultry quiches must contain at least 8 percent cooked meat or poultry and sufficient cheese so that the combined total at least comprises 18 percent of the finished product. Quiche Lorraine must contain cooked bacon and/or ham and the only cheeses are Swiss and/or Gruyere.

If other characterizing ingredients (excluding cheese) such as onions, peppers, olives, etc., are used in addition to the meat or poultry ingredient in Quiche Lorraine or in any other quiche, the combination of these other characterizing ingredients and the meat or poultry ingredients must comprise at least 8 percent of the total product and the cooked meat or poultry portion must be at least 5 percent of the total product.

RATIONALE: Quiche products, with the exception of Quiche Lorraine, have been required to be labeled with descriptive terms that specifically convey to the consumer that it is a custard cheese pie. Since these products have gained widespread familiarity among consumers, the practice of including this additional information in the name of the product is unnecessary. However, it is important that other characterizing ingredients be prominently displayed to ensure that quiche products are easily identified by the consumer so that an informed choice can be made. Like the term "quiche" itself, Quiche Lorraine has been employed to the point where it can be considered a common or usual name of a product, thereby eliminating the need for this additional information.

Other requirements concerning the composition for meat and poultry quiches, combination quiches, and Quiche Lorraine have been established to promote uniformity among similarly named products, and to ensure that such products will be consistent with consumer expectations. The standards reflect longstanding requirements and the prior approval record.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Branch Chiefs, SLD

Policy Memo 78

Robert G. Hibbert

NOV 15 1984

Robert G. Hibbert, Director, SLD

Potassium Labeling Guidelines

ISSUE: What guidelines should be followed in the review and approval of labeling which includes potassium information?

POLICY: 1. The label of any meat or poultry product may bear quantitative information on the amount of potassium in a serving of the product. When this information is provided, the serving size must appear on the label and must be within the range of serving sizes customarily used for that product. Potassium and sodium content information may be included without other nutrition information. Labels may not bear nutrition information on potassium content alone.

2. Quantitative information on potassium content shall be declared in terms of milligrams (mg) per serving of the product. The potassium content shall be expressed as zero when the serving contains less than 5 mg, to the nearest 5 mg increment when the serving contains 5 to 140 mg of potassium and to the nearest 10 mg increment when the serving contains greater than 140 mg of potassium.

3. Nutrition labeling does not require the inclusion of potassium content information. However, if potassium content information is included on the nutrition information panel of a meat or poultry product, the potassium content information must immediately follow the information on sodium content.

4. When labels bearing potassium content information are submitted for approval, appropriate information should also be submitted to support the label declaration. Acceptable information would be:

(a) Information that demonstrates that calculations from the potassium content of the product's individual ingredients adequately reflects the potassium content of the product.

(b) Information derived from recognized reference sources, such as the revisions of Agriculture Handbook No. 8 published in 1976 or later.

(c) Information derived from industry or company analytical data bases. At a minimum, three laboratory analyses should be performed, and ideally each analysis should be from a different lot of product. Such analyses shall be performed in accordance with "Official Methods of Analysis of the Association of Official Analytical Chemists" ("AOAC") or the "Chemistry Laboratory Guidebook" of the U.S. Department of Agriculture. Alternative methods of analysis may be used if submitted to the Administrator and determined to be acceptable.

With respect to (a) and (b) above, it may also be necessary that laboratory analyses be performed to assure the adequacy of the calculations and the applicability of the reference sources.

5. Processors are responsible for assuring the continued accuracy of the potassium content of their products. The basis for verifying potassium content will be as follows:

(a) A partial quality control (PQC) program approved by the Processed Products Inspection Division is required for products not covered in (b) below to verify the continued accuracy of any potassium labeling value. Such a PQC program may be principally formulation control coupled with an occasional laboratory analysis, only laboratory analysis of finished products, or some combination of the two. When laboratory analysis alone is relied on for verification, sampling frequency will depend on the correlation of the laboratory results to the potassium value on the labeling.

(b) A PQC program will not be required for products where: (1) an adequate basis exists from a recognized reference source, such as the revisions of Agriculture Handbook No. 8 published in 1976 or later; or (2) there is information that demonstrates that calculations from the potassium content of the product's individual ingredients adequately reflect the potassium content of the products; or (3) there is a data base consisting of a sufficient number of analyses to establish the product's variability and establishing that the standard deviation does not exceed 25 percent of the average. The data can be submitted as part of the label approval application, or can be accumulated under a PQC program. Products which have been produced for some time under a label PQC program may have accumulated sufficient data to demonstrate that the PQC is no longer required. Processors of such products may submit such data to the Standards and Labeling Division for evaluation.

Products labeled with potassium content information for which a PQC is not required are still subject to Agency monitoring. In addition, the Standards and Labeling Division will require processors to submit no less frequently than annually the results of a single composite analysis of 12 samples randomly selected from 12 different lots to demonstrate the continued validity of the potassium content.

RATIONALE: These guidelines specify definitions and methods to assure that potassium information is provided in a consistent manner that is not misleading and is meaningful to the consumer. The Food and Drug Administration has evaluated the potential health benefits to be derived from potassium labeling and determined that these benefits are not sufficient to warrant declarations of potassium content alone. However, significant alterations of the sodium: potassium ratio in diet can be detrimental to persons susceptible to high blood pressure. Potassium and sodium contents of foods may be printed without other nutrients so that this ratio can be calculated by the consumer. These guidelines will help meat and poultry processors to provide potassium information that is consistent with FDA's nutrition labeling regulations and sodium labeling.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, D.C.

FSIS DIRECTIVE

7220.1
Rev. 1

8-1-86

STANDARDS AND LABELING DIVISION POLICY MEMORANDA

I. PURPOSE

This directive transmits all current Policy Memoranda issued by the Standards and Labeling Division (SLD) from 001 dated 05/06/80, to 098 dated 06/10/86.

II. CANCELLATIONS

FSIS Directive 7220.1, dated 04/06/83;
Amendment 1, dated 09/27/83;
Amendment 2, dated 05/01/84;
Amendment 3, dated 07/03/84;
Amendment 4, dated 08/08/84;
Amendment 5, dated 10/25/84;
Amendment 6, dated 12/26/84;
Amendment 7, dated 04/08/85;
Amendment 8, Not Dated;
Amendment 9, dated 06/28/85;
Amendment 10, dated 09/27/85;
Amendment 11, dated 11/04/85;
Amendment 12, dated 01/22/86;
Amendment 13, dated 03/13/86;
Amendment 14, dated 05/15/86;
Amendment 15, dated 04/07/86;
Amendment 16, dated 05/02/86;
Amendment 17, dated 05/20/86;
Amendment 18, dated 07/11/86.

III. REASON FOR REISSUANCE

To incorporate Amendments 1 through 18 into a consolidated directive.

DISTRIBUTION: All MPI Offices, T/A Inspectors, Plant Management, T/A Plant Management, Science and Compliance Offices, Import Offices, TRA, ABB, R&E

OPI: MPITS/Standards and Labeling Division

IV. REFERENCES

Federal Meat Inspection Act;
21 U.S.C. 601 **et seq.**;
Poultry Products Inspection Act;
21 U.S.C. 415 **et seq.**;
MPI Regulations, Section 317.4, 317.5, 381.132, and 381.134
Standards and Labeling Policy Book

V. ISSUANCE OF POLICY MEMORANDA

The Food Safety and Inspection Services' SLD periodically issues Policy Memoranda concerning significant or novel application or interpretations of Acts, regulations or departmental policy. Due to rescissions and cancellations, there are breaks in the sequential numbering order of the memoranda. As a result, the following Policy Memoranda numbers do **not** appear in this directive: 008, 009, 028, 043, 060, 062, 065, 067, 073, 074, 079.

As new memoranda are issued or previous memoranda are cancelled or superseded, the material will be issued as an amendment to this directive. On a periodic basis, therefore, revisions to this directive will be published to consolidate the amendments.

Director
Standards and Labeling Division
Meat and Poultry Inspection Technical Services

Attachments

United States
Department of
Agriculture

Food Safety
and Inspection
Service

APR 16 1985

To: Branch Chiefs, SLD

Policy Memo 080

From: Margaret O'K. Glavin, Acting Director
SLD

Margaret O'K Glavin

Subject: Labeling Bearing Phrase "Product of U.S.A."

ISSUE: When can the phrase "Product of U.S.A." be shown on labeling?

POLICY: This Policy Memo replaces Policy Memo 009. Labeling may bear the phrase "Product of U.S.A." under one of the following conditions:

1. If the country to which the product is exported requires this phrase and the product is processed in the USA; or

2. If it can be demonstrated that significant ingredients having a bearing on consumer preference such as meat, vegetables, fruits, dairy products, etc., are of domestic origin (minor ingredients such as spices and flavorings are not included). In this case, the labels should be approved with the understanding that such ingredients are of domestic origin. (This notation should be made on the label transmittal form.)

RATIONALE: Products for export must bear labeling acceptable to the country of destination. In some cases the country of origin must be stated on the label as "Product of U.S.A.". This is similar to our requirement that the labeling of imported products must bear the name of the country of origin such as "Product of Canada". (The Meat and Poultry Inspection Manual indicates which countries require this phrase).

However, in other cases, the labeling "Product of U.S.A." would be misleading unless major ingredients such as the meat, vegetables, etc., are of domestic origin. In these cases, it is necessary that plant management adequately assure inspectional personnel that such ingredients are of domestic origin.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

OCT 22 1985

To: Branch Chiefs
Standards and Labeling Division

Policy Memo 081A

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Rescindment of Policy Memo 081

Policy Memo 081 is hereby rescinded. Marination may include the traditional steeping process as well as massaging, tumbling, and injection. However, the limits for solution pick-up still apply whenever marinated or similar terms appear on the label.

FSIS 2630-5(12/79)

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAY [illegible] 1985

Policy Memo 082

To: Branch Chiefs
Standards and Labeling Division

From: Margaret O'K. Glavin, Acting Director
Standards and Labeling Division

Margaret OK Glavin

Subject: Labeling of Institutional and Wholesale Type, Large, Immediate Containers

ISSUE: Is it necessary that all mandatory information appear on the principal display panel of institutional and wholesale, large-size, immediate containers?

POLICY: On institutional and wholesale type, large, immediate containers, all mandatory information must appear on the principal display panel except that the first usable panel to the right of the principal display panel may be used for the firm's name and address and the ingredients statement.

RATIONALE: Although there may have been some deviations from the aforesaid policy in the past, sections 317.2(c) and 381.116(a) of the meat and poultry inspection regulations require the mandatory information to appear on the principal display panel of "all" labels. This would therefore include any size and type of immediate container labels. Labels not conforming to the policy should be corrected no later than January 1, 1986.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

[illegible]

To: Branch Chiefs, SLD

Policy Memo 083

From: Margaret O'K. Glavin, Acting Director
Standards and Labeling Division

Subject: Check-Off Plocks on Labeling

ISSUE: Should check-off blocks on immediate container labeling be used for identifying products that look alike or are different in composition?

POLICY: The use of check-off blocks on immediate containers for identifying products that look alike but are different in composition is not permitted.

Examples of product that may look alike but are different in composition are as follows:

- Ground Beef and Beef Patty Mix
- Partially Defatted Chopped Beef and Partially Defatted Beef Fatty Tissue
- Frankfurters and Frankfurters with Variety Meats
- Finely Ground Chicken and Finely Ground Chicken Meat
- Comminuted Chicken and Comminuted Chicken with Kidney and Sex Glands Removed

RATIONALE: The use of multiple check-off blocks and products names on immediate container labeling is an acceptable practice that permits the economical utilization of packaging and labeling materials by official establishments.

However, consideration must be given to the potential for misbranding the product, either intentionally or unintentionally, when multiple check-off blocks are used. It is very easy for an establishment employee to check the wrong block or to forget to check any block. In such situations, our field inspectors and compliance officers are seriously handicapped in assuring the accuracy of the label. For example, the fat content of ground beef patties is limited to 30 percent while beef patty mix may contain more than 30 percent. Thus, both products may look alike but one may contain more fat than the other. Comminuted chicken and comminuted chicken with kidneys and sex glands removed may look alike but only the latter could be used in meat sausages. Partially defatted chopped beef and partially defatted beef fatty tissues look alike but the source materials used in processing are different and control is exercised at the point of processing. Furthermore, these products often differ widely in value.

Plant management may continue to use existing supplies of approved check-off labels for 6 months from the date of this policy memo.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 084

MAY 17 1985

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin, Acting Director,
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Cooked Corned Beef Products and Cured Pork Products with Added Substances (9 CFR 319.100, 101, & 102)

ISSUE: Can cooked corned (cured) beef products and cooked cured pork products not covered by the Protein Fat Free (PFF) regulations that weigh more than the weight of the fresh uncured article be prepared and how should they be labeled?

POLICY: This policy memo replaces policy memo 079. Cooked corned beef products and cooked cured pork products not covered by the PFF regulation, whose weights after cooking exceed the weight of the fresh uncured beef or pork, may be prepared if the products are descriptively labeled to indicate the presence and the amount of the additional substances. Examples of product names that are acceptable include "Cooked Corned Beef and ______% Water" or "Cooked Cured Pork and Water Product______% of Weight is Added Ingredients" (The ingredients of the added solution may be incorporated into the product name, e.g., "Cooked Cured Pork and Water Product ______% of Weight is Added Water, Salt, Sodium Phosphates, and Sodium Nitrite.") The actual percentage is determined by subtracting the weight of the fresh beef or pork from the weight of the finished product.

These products must be produced under a Partial Quality Control program approved by the Processed Products Inspection Division.

RATIONALE: This policy statement is generally consistent with the requirements, and the intent of labeling policies now followed for cured and cooked products containing solutions above the green weight of the fresh article. (See Policy 057 on Turkey

Ham and the regulations on cured PFF controlled pork products). The traditional name supplemented with additional information offers the descriptive labeling necessary to distinguish these products from the traditional products.

The need for a quality control program is consistent with past labeling policies for use of percentage labeling declarations on labeling.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Branch Chiefs, Standards and Labeling
Division

Policy Memo 085

x Margaret O'K. Glavin, Acting Director
Standards and Labeling Division

Margaret O'K. Glavin

ject: Nutrition Labeling Verification

ISSUE: What is required to assure the continued accuracy of nutrition labeling, including sodium content information?

POLICY: This policy memo replaces policy memo 074. The Agency has been requiring a partial quality control (PQC) program to verify the continued accuracy of any nutrition labeling information, including sodium content. PQC programs will still be necessary for fat claims and other percentage labeling claims such as "95 percent Fat Free," "50 percent leaner than...," etc. For all other nutrition information the continued accuracy of nutrition information will be assured through a Nutrition Labeling Verification (NLV) program. This policy memo identifies the requirements of the NLV program and conditions where NLV programs will not be necessary.

For example, NLV programs for certain standardized products are not necessary. Processors of ground beef (319.15(a)), hamburger (319.15(b)), fabricated steak (319.15(d)), fresh pork sausage (319.141), fresh beef sausage (319.142), cooked sausages (319.180), and margarine (319.700), able to demonstrate that the stated nutrition label claims will remain representative over time because of other controls, will not need to apply for an approved NLV program before use of the labels. (Note: Only those components or nutrients that are controlled, either directly or indirectly, by inplant and agency controls are exempt from the NLV program under this criterion.)

In addition, an NLV program will not be required where: (1) an adequate basis exists from a recognized reference source, such as the revisions of Agriculture Handbook No. 8 published in 1976 or later; or (2) there is information that demonstrates that calculations from the nutrient content of the product's individual ingredients adequately reflect the nutrient content of the product; or (3) a sufficient data base exists to assure that the label reflects and will continue to reflect the content of the product. Such a data base can consist of individual sample results (not composites) on 30 units of product, with each unit of product being from a different, consecutive day of production. The data must show that the mean value of the 30 samples is at or below the label value for calories, fat, carbohydrate, sugars, cholesterol, fatty acids, and sodium, and at or above the label value for all other nutrients. The data must also demonstrate that the standard deviation of the analyzed values does not exceed 25 percent of the average value.

The data can consist of data already accumulated under previous control programs. Products which have been produced for some time under a partial quality control (PQC) program may have sufficient data to demonstrate that an NLV program is no longer required to verify continued accuracy. Other data plans which provide at least equal assurance that the label reflects and will continue to reflect the content of the product may be submitted to the Standards and Labeling Division for consideration.

Products for which NLV programs are not required remain subject to periodic sampling, as determined necessary by the Agency. In addition, processors must submit to the Standards and Labeling Division, at least annually, the results of a single composite analysis of 12 samples of ready-to-sell product randomly selected from 12 consecutive lots (one shift's production) in order to demonstrate the continued accuracy of the labeling. Other data which provide at least equal assurance of the continued accuracy of the labeling may be substituted.

Processors wishing to be exempt from the NLV program should make this clear in writing or at the time the label is submitted to the Standards and Labeling Division for approval. If an NLV exemption is granted, the processor will be notified in writing and a copy will be sent to the inspector in charge. Each processor must submit the results of the annual analyses through the inspector in charge. Both the processor and the inspector in charge will be notified if the data are inadequate to support a continuation of the exemption.

Whenever the processing procedures or formulation is changed for a product for which an NLV program is not required, the product is no longer exempt from an NLV program unless it can be demonstrated that the changes do not change the nutrition information declarations. The processor may need to submit to the Standards and Labeling Division the result of a single composite analysis of 12 samples of ready-to-sell product randomly selected from 12 consecutive lots to demonstrate the continued accuracy of the nutrition information.

Products for which an NLV program is required, must have the program approved in accordance with the FSIS Guidelines for a Nutrition Labeling Verification Program (attached). Separate copies of the guidelines are available upon request.

RATIONALE: There have been growing concerns that the requirements for partial quality control programs for certain nutritionally labeled products are too burdensome and are of minimal regulatory value. During the past several months the Agency has received numerous programs that would satisfy the need to assure that the labeling is reasonably accurate, but which did not include all the essentials of a quality control program. The Agency has continued to evaluate the merits of such programs in relation to the regulatory needs and has determined that further changes can be made without jeopardizing consumer protection. The Agency has opted to refer to the programs needed to provide continued assurance of the stated label claims as a Nutrition Labeling Verification (NLV) program. This program should assure that the stated nutrition information reasonably reflects the nutritional content of the product over time. A PQC program for fat declarations and other percentage labeling claims will still be required because of the nature of the controls and inspection placed upon the products with such claims.

FSIS GUIDELINES FOR A NUTRITION LABELING VERIFICATION (NLV) PROGRAM

A. GENERAL

1. Products subject to this guideline are those bearing sodium and/or nutrition labeling information and for which a control program is deemed necessary at the time of label approval. Note that this guideline no longer considers this to be quality control but labeling verification.

2. Each plant for which a Nutrition Labeling Verification (NLV) program is needed must have an NLV program approved by the Regional Director (RD) before using the labeling.

3. The NLV program must:

a. specify the applicable establishment number,

b. list the products covered, the container sizes for each, the serving size, and

c. indicate that all NLV records/information will be available to the inspector.

B. CHECKS OF FORMULATION OR COMPONENTS

1. Describe how the ingredients or components are checked, and at what frequency. The weight of at least one major ingredient should be determined at least once per shift. Depending on the product, it may be necessary to also test (analyze) one major component, e.g., fat, protein, moisture, on a shift basis.

2. Describe what actions are taken when prescribed limits are exceeded.

C. FINISHED PRODUCT ANALYSES

1. SAMPLING

The finished product will be sampled by randomly selecting twelve (12) ready-to-sell units, one from each of twelve (12) consecutive production lots (a shift's production), extending over no more than a one month period. If 12 lots are not produced within one month, then the 12 individual sample units should be randomly selected from whatever number of consecutive lots that are produced during any 30-day period during the overall sampling period (quarterly, semi-annually, annually).

The 12 units will be composited and analyzed for all nutrition information declared on the label.

All analyses will be in accordance with "Official Methods of Analysis" of the Association of Official Analytical Chemists (AOAC), the

"Chemistry Laboratory Guidebook" of the Chemistry Division, FSIS, or alternate methods approved by FSIS.

2. FREQUENCY OF ANALYSIS

Level 1:	Each product is sampled as described and analyzed once each calendar quarter.
Level II:	Each product is sampled as described above and analyzed once during a six - month period.
Level III:	Each product is sampled as described above and analyzed once each year.

Following one year, during which analyses from Level I sampling are within the analytical criteria specified below, the processor may shift to the Level II sampling plan. If some nutrient levels are not in compliance, the processor will be required to take necessary corrective actions and to continue with Level I sampling for analysis of those nutrients for at least one additional year. Following one year, during which analyses from Level II sampling are within the specified analytical criteria, the processor may shift to the Level III sampling plan. If some nutrient levels are not in compliance, the producer will be required to take necessary corrective actions and shift back to Level I sampling for analysis of those nutrients. Product not produced at least quarterly cannot qualify to shift from Level I to Levels II or III.

Unless it can be demonstrated that a change in processing or formulation does not affect the stated nutrition information, the label must be resubmitted for approval, and the frequency of finished product analyses must return to Level I.

Analytical results of Level I, Level II, or Level III are to be forwarded to the Standards and Labeling Division for evaluation. In accordance with the approved NLV program, the inspector in charge should assure that the necessary data are submitted as scheduled. Unless notified, the processor and the inspector in charge can assume that a normal progression from Level I to Level III is taking place and the data are adequately reflecting the label declarations.

3. ANALYTICAL CRITERIA

The results of each composite analysis should be less than or equal to the label value for calories, carbohydrates, fat, sodium, cholesterol, and fatty acids.

The results of each composite analysis should be greater than or equal to the label value for protein, vitamins and minerals.

Ideally the results of each composite analysis should agree with the label declarations. Since some variability can be expected, even though compositing tends to minimize this to a large extent, some over declaration of calories, carbohydrates, etc., and some underdeclaration of protein, vitamins, and minerals may be necessary. This is acceptable but the declaration should be selected so as not to be excessive. It is the intent of this program to assure that the nutritional information reasonably reflects the nutritional content of the product over time.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAY 23 1985

Policy Memo 086

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin, Acting Director
Standards and Labeling Division, MPITS

Margaret O'K Glavin

Subject: Nutrition Labeling

ISSUE: What are the guidelines for the approval of nutrition labeling on meat and poultry products?

POLICY: The following guidelines are currently being used in the review and approval of nutrition label information when it is voluntarily provided by the processor or when it is required due to the presence of labeling claims or features relating to calorie content and weight control (see Policy Memo 039). Nutritional information may appear on the label's principal display panel or information panel (see Policy Memo 007 on uses of the information panel).

Nutrition information may be presented in the format and style provided by FDA regulations (see 21 CFR 101.9 and enclosed example). The format includes the following information presented in this order: the size of one serving expressed in common household measures or recognized portions such as cups, ounces, slices, pieces, etc.; the number of servings per container; the number of calories per serving, the number of grams of protein, carbohydrate, and fat per serving; and the percent of the U.S. Recommended Daily Allowance (U.S.RDA) of protein, vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron per serving.

An abbreviated format is also accepted for labeling meat and poultry products. This format includes the number of calories and the number of grams of protein, carbohydrate, and fat in a specified serving of the product.

Both nutrition labeling formats may be supplemented with information on other nutrients that may be of interest to consumers. Examples include: fatty acid composition reported in grams per serving, milligrams of cholesterol reported in 5mg increments and sodium information reported according to the guidelines in Policy Memo 049C. When the FDA nutrition labeling format is used, information on the percent of the U.S. RDA of

FSIS 2630-5(12/79)

additional vitamins and minerals, such as vitamin B12 and vitamin B6, may be included. Other means of presenting nutrition information will also be considered.

When labels bearing nutrition information are submitted for approval, appropriate information should also be submitted to support the label declarations. Acceptable information would be:

1. Information derived from recognized reference sources, such as the recent revisions of "Composition of Foods" Agriculture Handbook No. 8 published in 1976 or later. (Due to the nature of this type of data, its use will most likely be limited to those products that are essentially nonformulated, e.g., turkey breasts or ground beef.)

2. Information from recognized reference sources, which demonstrates that calculations from the nutrient content of the product's individual ingredients adequately reflect the nutrient content of the product.

3. Information derived from industry or company analytical data bases. At a minimum three laboratory analyses should be performed and ideally each analysis should be from a composite of 12 units from 12 consecutive production lots. Such analysis shall be performed in accordance with "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC) or the "Chemistry Laboratory Guidebook" of the Department of Agriculture. Alternative methods of analysis may be used if submitted to the Administrator and determined to be acceptable. With respect to (1) and (2) above, it may also be necessary that laboratory analyses be performed to assure the adequacy of the calculations and the applicability of the reference sources.

A Partial Quality Control (PQC) program for fat and other percentage labeling claims or a Nutrition Labeling Verification (NLV) program for other nutrition information is usually required and must be approved before the labels can be used. In certain cases, an NLV program is not required. The requirements of the NLV program and the conditions for exemption are discussed in Policy Memo ____.

RATIONALE: The Division has for some time approved the use of nutrition label information on product labels. To facilitate the use of such information, the USDA published a proposal on nutrition labeling in 1974, and in 1973 and 1974, MPI Bulletins were published on nutrition labeling. Since the publication of these issuances, changes have been made in the Division's nutrition labeling policy to allow greater flexibility and input from industry. This policy memo combines and updates the major points of past issuances, providing processors with a policy that includes the basic information needed to begin a nutrition labeling program.

Nutrition Labeling Format

Nutrition Information Per Serving

Serving Size:
Servings Per Container:
Calories:
Protein:
Carbohydrate:
Fat:
Sodium:

Percentage of U.S. Recommended Daily Allowance (U.S. RDA)

Protein
Vitamin A
Vitamin C
Thiamine
Riboflavin
Niacin
Calcium
Iron

United States
Department of
Agriculture

Food Safety
and Inspection
Service

SEP 16 1985

Policy Memo 087A

To: Branch Chiefs
Standards and Labeling Division

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Word Size in Labeling of Product Names and Fanciful Names

ISSUE: In labeling meat and poultry products, what restrictions should be placed on the size of words used in product names and fanciful names?

POLICY: This clarifies and replaces Policy Memo 087. Words in product names or fanciful names may be of a different size, style, color or type, but in all cases, the words must be prominent, conspicuous and legible. Moreover, no word in a product name, i.e., a common or usual name, a standardized name, or a descriptive name should be printed in letters that are less than one-third the size of the largest letter used in any other word of the product name. The same guidelines apply to letters of words in fanciful names that may accompany the product name.

For example, for a product labeled Chili Mac--Beans, Macaroni and Beef in Sauce, "Chili Mac" is the fanciful name and "Beans, Macaroni and Beef in Sauce" is the product name. No letter in "Chili Mac" may be smaller than one-third the size of the largest letter in "Chili Mac." Similarly, no letter in the descriptive name may be smaller than one-third the size of the largest letter in the descriptive name. This policy is not intended to address the relative size of words in fanciful names versus product names. The size of words in qualifying statements, e.g., "Water Added," "Contains up to ...," "Smoke Flavoring Added," etc., are not affected by this policy memo.

Labeling not in compliance with these guidelines may be used until present supplies are exhausted. Inspectors-In-Charge shall determine the amount of present supplies.

RATIONALE: A trend has been observed that some words within a product name, be it a common or usual name, a standardized name, a descriptive name or words within a fanciful name, are being printed with increasingly smaller letters. If this trend continues, it is likely that some words will attract disproportionate attention, causing the label to become misleading to consumers. This policy clarifies the amount of variation in letter size which will still allow some emphasis on significant words in the names of products without resulting in misleading labels.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAY 23 1985

Policy Memo 088

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin
Acting Director, SLD

Margaret O'K Glavin

Subject: The Labeling of Meat and/or Poultry Products with the Term "Nuggets"

ISSUE: What guidelines should be followed when approving labeling for products which includes the term "nuggets?"

POLICY: This policy memo clarifies and replaces Policy Memo 067. Nuggets are irregularly shaped, usually bite-sized meat and/or poultry products, which are usually breaded and deep fat fried and intended to be used as finger foods. There are a number of different types of nuggets; the labeling for which is described below:

(1) Products made from a solid piece of meat or poultry may use the term "Nugget" as part of the product name without further qualification (e.g., "Chicken Nugget", "Beef Nugget").

(2) Products made from chopped and formed meat or poultry may use the term "Nugget" as part of the product name provided a qualifying statement describing such process is shown contiguous to the product name, e.g., "Chicken Nugget, Chopped and Formed" or "Beef Nugget, Chopped and Formed."

(3) Products made from chopped meat or poultry and containing binders, extenders and/or water may use the term "Nugget" as a fanciful name provided a descriptive name immediately follows "Species" or "Kind" nugget. An example of a descriptive name would be "Breaded Nugget Shaped Chicken Patties."

(4) Products described in 1, 2, and 3 above which are breaded shall be labeled as "breaded" and shall be limited to 30 percent breading.

RATIONALE: These nugget-type products have become increasingly popular for both retail and institutional distribution. With the increase in popularity has come an increasing number of processes and formulations. 317.2(c)(1) and 381.117(a) of the meat and poultry regulations require that if there is no published standard for a product that the name of the product is a truthful descriptive designation. Furthermore, 381.117(d) requires that boneless poultry products be labeled in a manner that accurately describes their actual form and composition. A method of labeling which differentiates the various categories of nugget products is needed.

The policy stated above requires labeling which accurately describes the products and prevents unfair advantages for the different types of products. Labels not conforming to the above should be corrected prior to September 1, 1985.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAY 29 1985

To

Branch Chiefs
Standards and Labeling Division

Policy Memo 089

From:

Margaret O'K. Glavin, Acting Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject

Use of the Term "Breaded" on Labels for "Fritters"

ISSUE: Is it permissible to use the term "breaded" in conjunction with product name "fritters?"

POLICY: The item named "fritter" may be qualified with the term "breaded" when the fritter is coated after fabrication with no more than 30 percent breading. When the term "fritter" is being used to describe the product which is coated with more than 30 percent breading, the term "breaded" may not be used.

RATIONALE: The term "fritter" is generally accepted to describe (1) a product which contains breading in excess of the 30 percent allowed by 319.880 and 381.166 of the meat and poultry inspection regulations and (2) a patty like product containing breading and/or other extenders mixed with ground meat and/or poultry. In labeling the product described under (1), it is not appropriate to use the term "breaded" since in these instances, the term "fritter" is being used because the "breading" limitation is being exceeded. However, product described under number (2) could also be breaded after fabrication with no more than 30 percent breading and be labeled as a "breaded fritter."

United States
Department of
Agriculture

Food Safety
and Inspection
Service

Policy Memo 090

Branch Chiefs, SLD

om: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Margaret O'K. Glavin

ubject: Protective Coverings

ISSUE: Under what circumstances can immediate containers be considered protective coverings?

POLICY: Processed or Prepared Product - Immediate containers such as bags, cardboard cartons, tray packs, and film bags enclosing processed or prepared product can be considered protective coverings and exempt from the marking and labeling requirements if placed in a shipping container which meets all mandatory labeling requirements of an immediate container. This does not exempt the mandatory identification and marking which is specifically required on the immediate container of cooked beef (9 CFR 318.17). In addition, the shipping container must be clearly marked "Packed for Institutional Use" or an equally descriptive statement of intended limited distribution, i.e., locations where the entire contents are consumed on the premises. Unlabeled product may not be removed from shipping containers for further distribution nor displayed or offered for sale.

Unprocessed Meat Cuts - Transparent film bags enclosing individual meat cuts in an unprocessed state can be considered protective coverings and exempt from the marking and labeling requirements if placed in a shipping container which meets all mandatory labeling of an immediate container. These unlabeled meat cuts may only be removed from the shipping container for resale and further distribution to retailers, hotels, restaurants, and similar institutions if the product itself or the film bag bears a clearly legible official mark of inspection and the establishment number of the USDA inspected producing plant.

RATIONALE: The subdividing of unpackaged processed or prepared product into smaller units such as vacuum bags, cardboard cartons, tray packs has become a popular practice as a means to promote sanitary product handling and to protect product quality. This practice, however, raises the question of whether these smaller units are immediate containers subject to the labeling or marking requirements of the Act and the regulations or are intended solely to protect the product against soiling or excessive drying during transportation and storage. Since this policy memo restricts the use of these smaller units to circumstances where they will be contained in fully labeled or marked shipping containers, these smaller units can be considered protective coverings. Cooked beef is specifically required to bear certain identification and marking on their immediate container (9 CFR 318.17). These containers must continue to bear the required information because of the trace back concerns associated with cooked beef product.

Unprocessed Individual Meat Cuts in transparent containers may be distributed in protective wrappings or transparent coverings if the official mark of inspection is clearly legible on the product or the protective covering. This parallels the regulatory authority given in 9 CFR 317.1 for the use of protective coverings on dressed carcasses and primal parts.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

SEP 16 1985

Policy Memo 091

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Ground Beef Chuck and Ground Beef Round

ISSUE: What guidelines should be followed in the review and approval of labeling for "Ground Beef Chuck" and "Ground Beef Round"?

POLICY: Product to be labeled "Ground Beef Chuck" or "Ground Beef Round" must comply with the following guidelines:

1. "Ground Beef Chuck" must be derived from all or part of the primal part of the beef carcass commonly referred to as the "Beef Chuck" except as provided for in 3. The product must comply with the fat requirements of 9 CFR 319.15(a).

2. "Ground Beef Round" must be derived from all or part of the primal part of the beef carcass commonly referred to as the "Beef Round" except as provided for in 3. The product must comply with the fat requirements of 9 CFR 319.15(a).

3. Generally, shank meat may be added but may not exceed the natural proportion of the beef carcass, which is considered to average 6 percent. Higher quantities of shank meat may be used if the shank meat remains attached during the cutting and boning of the boneless chuck or round, or if the processor can demonstrate that a higher percentage is applicable.

4. The products must be produced under a partial quality control program.

Time necessary to revise any approved PQC program or to reformulate any product as a result of this policy memo should be requested from the MPIO Regional Operations Staff.

RATIONALE: These guidelines clarify the policy contained in MPI Bulletin 82-67, dated 12-22-82, titled "Ground Beef Chuck" and "Ground Beef Round." SLD has received questions such as; Are trimmings from these parts limited? Is there a fat limitation? Is shank meat limited? Should shank meat be excluded? etc.

It has been an accepted practice to include as source material for product labeled "Ground Beef Chuck" or "Ground Beef Round" any portion(s) of the primal part identified in the product name.

The inclusion of shank meat became an issue as a result of an established and accepted practice for producers to cut and bone the entire shank on chuck or shank on round as a single unit to formulate these products. Including the shank meat under this condition has been permitted as incidental to the boning operation although the shank itself is a primal part of the beef carcass.

This policy recognizes the established practice of marketing the shank on chuck or shank on round as a single wholesale unit. Its use at higher than natural proportions of the Beef Carcass cannot however, be considered incidental and the product must be labeled with terms such as: "Ground Beef," "Ground Beef Chuck and Shanks," or "Ground Beef Round and Shanks".

Applying a 30 percent fat level ensures that during the grinding and blending of the various portions of the chuck or round that the finished product will not exceed the total fat limits allowed in other ground beef products.

The partial quality control (PQC) program assures adequate identification of the source material prior to fabrication.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

DEC 16 1985

Policy Memo 092

To: Branch Chiefs

From: Margaret O'K Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Veal Parmagiana Made with Veal Patties

ISSUE: What is the appropriate labeling for Veal Parmagiana made with Veal Patties?

POLICY: The labeling of Veal Parmagiana made from a veal patty shall include Veal Patty in the product name, e.g., "Breaded Veal Parmagiana made with Veal Patties" or "Breaded Veal Patty Parmagiana". The ingredients of the veal patty do not have to be a part of the product name.

RATIONALE: On the label of Veal Parmagiana made with veal patties, the ingredients statement for the total product should sufficiently inform the consumer of the contents of the patty. The need to disclose the ingredients of the veal patty in a qualifying statement contiguous to the product name is not believed necessary. This additional disclosure, which has been a longstanding requirement for this product, is incongruent with the labeling for other similar meat patty products. Further, the standards of composition are even more restrictive for veal patties used in Veal Parmagiana since the minimum meat requirement specified automatically limits the level at which components such as extenders, water, beef fat, and seasonings may be added. Thus, it seems unjustified to prescribe this additional labeling requirement for this patty product when other similar, but less ingredient-restrictive patty products, are not bound by this requirement.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

DEC 16 1985

Policy Memo 093

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Margaret O'K Glavin

Subject: Adjusting for Protein Fat Free (PFF) Controlled Pork

ISSUE: What formula adjustments are necessary when using protein fat free (PFF) controlled pork to meet minimum meat content standards in other products?

POLICY: Protein Fat Free (PFF) controlled cured pork products with qualifying statements, e.g., "Ham-Water Added," may be used in place of PFF controlled cured pork products without qualifying statements, e.g., Ham, to meet the minimum meat requirements of various products. However, the amounts of the PFF controlled cured pork products with qualifying statements used will need to be increased. For example, if a standard requires a certain amount of Ham and a processor wishes to use "Ham-Water Added," a greater amount of the "Ham-Water Added" will be needed to meet the standard. The magnitude of the additional amount is directly related to the relationship between the respective PFF values.

Example: Ham Salad requires 35% Cooked Ham. "Ham Water Added" will be used in the product formula.

Calculation: Multiply the PFF value for Ham (20.5) by the amount of required Ham (35%). Divide this answer by the PFF value of the product being used to formulate the product. (In this example PFF value for "Ham-Water Added" is 17.0).

Answer: $[(0.35 \times 20.5) / 17.0] \times 100 = 42.21\%$ "Ham-Water Added" needed in the formula.

Example: Ham Pie requires 25% Ham based on green weight. "Ham with Natural Juices" will be used in the product formula.

Calculation: Multiply the PFF value for Ham (20.5) by the amount of required ham (25%). Divide this answer by the PFF value of the product being used to formulate the product.

(In this example PFF value for "Ham with Natural Juices" is 18.5).

Answer: [(0.25 x 20.5) / 18.5] x 100 = 27.70% "Ham with Natural Juices" needed in the formula.

ADJUSTING FOR "HAM AND WATER PRODUCT X% OF THE WEIGHT IS ADDED INGREDIENTS."

Consider a formulated product which is required to contain at least 50% Cooked Ham. Suppose the processor wishes to use a "Ham and Water Product (HWP)" in which 20% of the weight is added ingredients as the source of the Ham in the formulation. This product contains 80% Ham and 20% added ingredients. Clearly, the processor must use more than 50% HWP in the process. Using 50% HWP would result in only 40% Ham in the finished product, i.e., the added ingredients in the HWP represents 25% of the ham content. (If it were a 10 lb., HWP, there would be 8 lbs., of Ham and 2 lbs. of added ingredients. (2 / 8 x 100 = 25%). Consequently, an additional 25% of HWP is required in the formulation.

The following example may be used to determine the percentage HWP needed to equal Ham:

> Ham and Gravy requires 50% Cooked Ham.
> "Ham and Water Product 20% of Weight is Added Ingredients" will be used in the formulation.

Step 1: Subtract the percent added ingredients from 100% (In this example: 1.00 - 0.20 = 0.80)

Step 2: Determine the amount of Ham needed in the formula: (In this example: 50%)

Step 3: Divide the amount of Ham required (Determined in Step 2) by the answer in Step 1 (In this example: (0.50 / 0.80 = 0.625)

Step 4: Multiply the answer in Step 3 by 100. Answer for this example is 62.50% "Ham and 20% Water Product" is needed as the equivalent of 50% Ham.

RATIONALE: In accordance with sections 9 CFR 319.104 and 319.105 of the Federal meat inspection regulations, certain cured pork products are required to meet established PFF values which reflect the minimum meat protein content indigenous to the raw unprocessed pork. Historically, most meat food product standards are based on minimum meat content requirements and reflect the definition of meat as contained in 9 CFR 301.2(tt). However, when PFF controlled cured pork products with qualifying statements are used in other products with the intention of meeting minimum meat content standards, non-meat ingredients, such as water, may alter the composition of the finished product. This policy is being adopted to assure that product standards are based on meat content requirements only. This policy memo formalizes the content of a similar memo issued earlier.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAR 13 1986

Policy Memo 094-A

To: Branch Chiefs
SLD

From: Margaret O'K. Glavin, Director
SLD

Margaret O'K Glavin

Subject: Sulfiting Agents

This replaces Policy Memo 094 which inadvertently omitted sodium sulfite.

ISSUE: Whether sulfiting agents present in processed fruits or vegetables used as ingredients of meat food products or poultry food products need to be declared on the label of the finished product.

POLICY: The presence of sulfiting agents (sulfur dioxide, sodium sulfite, potassium bisulfite, potassium metabisulfite, sodium bisulfite and sodium metabisulfite) in or on processed fruits or vegetables used as ingredients of meat food products or poultry food products must be declared on the label of the finished product.

RATIONALE: The addition of sulfurous acid and salts of sulfurous acid directly to meat food products is prohibited by regulation (9 CFR 318.7(d)(2)). However, these ingredients and other sulfiting agents may be present in or on processed fruits or vegetables that are used as ingredients of meat food products or poultry food products. Sulfiting agents on fruits or vegetables in meat or poultry food products may pose a health risk to certain individuals who are susceptible to them. The Agency plans to amend the above regulation to clarify that the sulfiting agents used in a USDA inspected meat or poultry product must be declared on the finished product label. In the interim, in order to facilitate avoidance of these ingredients in meat or poultry food products by susceptible consumers, the Standards and Labeling Division (SLD) is implementing this labeling policy.

FSIS 2630-5(12/79)

United States
Department of
Agriculture

Food Safety
and Inspection
Service

FEB 27 1986

Policy Memo 095

To: Branch Chiefs
Standards and Labeling Division, MPITS

From: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Margaret O'K. Glavin

Subject: Colored Casings-Labeling of Meat and Poultry Products

Issue: What are the labeling requirements for meat and poultry products in colored casings that do not transfer color to the products?

Policy: Colored casings on meat and poultry products which do not transfer color to the product, but which change and give a false impression of the true color of the products, must be labeled to indicate the presence of the casings. Acceptable terminology includes "Casing Colored" or "Artificially Colored." These phrases must appear contiguous to the product name.

Casings which are the same color as the product or are not misleading or deceptive, e.g., a white opaque casing on a summer sausage, do not have to be so labeled. Also products consisting of whole muscle bundles, e.g., hams, pork butts, etc., packaged in colored wrappings where a cut surface is not visible through the casing are exempt from this labeling.

Rationale: Under the provisions of Sections 301.2(ii)(4) and 381.1(b)(30)(iv) of the Federal meat inspection regulations and the poultry products inspection regulations, respectively, a product is considered misbranded if its container (e.g., casing) is "made, formed, or filled as to be misleading." Section 317.2(j)(8) adds "...no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product." Therefore, for many years colored casings that changed the expected or true color of the product could only be used if the product name was clearly and properly qualified to indicate the presence of the casings. Thus the consumer could make an informed selection in the marketplace about the true nature of the product. The use of colored wrappings on whole muscle bundles is widespread apparently due to esthetic reasons. In this situation, the coloring should not mislead the consumer into believing that the product is leaner, different, or of a better quality than similar products. If a cut surface is visible, the potential for deception is a real possibility. Since there has been some confusion over the intent of this policy, this policy memo is being issued to reiterate the policy and clarify its intent.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

MAY 7 1986

Policy Memo 096

To: Branch Chiefs, SLD

Margaret O'K. Glavin

From: Margaret O'K. Glavin, Director
Standards and Labeling Division, MPITS

Subject: Approval of Labels for Experimental/Sample Products

ISSUE: Are there conditions under which an Inspector-in-Charge (IIC) of an official establishment may approve labels for experimental/sample (E/S) products?

POLICY: IIC's may approve labels for E/S products which are prepared in official establishments and distributed to one or more locations for the purpose of consumer sampling and/or pre-market evaluation. Specific requirements for IIC approval of E/S product labels are as follows:

1. Each request for approval must be made using a USDA application for label approval form (FSIS Form No. 8822-1). The application must include the complete formula and a detailed manufacturing procedure.

2. All ingredients must be approved for use in the meat and poultry inspection regulations. Use of such ingredients must conform to the conditions and restrictions listed in the regulations.

3. Labels must bear all mandatory labeling features required by the meat and poultry inspection regulations.

4. The phrase "Not For Sale" must be prominently displayed on the label.

5. A statement of intended distribution must be included on the label, e.g., "For Test Purposes Only", "Experimental Product", "Consumer Samples."

6. Products labeled with a standardized name must conform to the standard.

7. The quantity of E/S product distributed under a single IIC label approval may not exceed 500 pounds and may not extend beyond 60 days from the date of the approval.

Circuit supervisors (CS) may grant one consecutive extension of up to an additional 500 pounds and/or 60 days.

8. The IIC must retain copies of all approved E/S product labels and application forms for two years from the approval date.

8a. The IIC should examine the file indicated in 8 to assure that the same E/S product had not been produced before, or at least not produced during the past 2 years.

9. Plant management must maintain production and distribution records of E/S products for at least 2 years, and make such records available to the IIC upon request.

10. E/S product labels containing information or statements significantly beyond the mandatory information, e.g., negative, natural or nutritional claims, must receive prior approval from the Standards and Labeling Division (SLD) in Washington, D.C.

If a plant applies to SLD for E/S approval it should indicate if previous approvals had been granted by the IIC. All extensions beyond that granted by the CS must be sent to SLD. IIC approval of E/S product labels does not in any way imply that a final approval of the label or product formulation will be granted for distribution in commerce.

RATIONALE: IIC approval of E/S product labels under the limitations described in this policy memo will permit processors to develop new products and test customer acceptance with a minimum expenditure of time and expense. During the past year SLD has authorized implementation of similar procedures on a case-by-case basis. This experience and subsequent feedback received from the Meat and Poultry Inspection Operations staff ensures that under the conditions enumerated in this policy memo, the IIC will continue to assure that only safe and wholesome E/S product, in full compliance with regulatory requirements, will be produced and distributed in limited quantities and for a limited time.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

JUN 4 1986

Policy Memo 097

To: Branch Chiefs
Standards and Labeling Division

From: Margaret O'K. Glavin
Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Label Approval Guidelines for Wild Boar Products

ISSUE: What are the criteria and requirements for product labels bearing the term "Wild Boar"?

POLICY: Products prepared from wild boar from feral swine are amenable and subject to the meat inspection regulations.

"Wild Boar" is an acceptable label term for a product provided the words "Wild Boar" are directly followed by the statement "Meat from Feral Swine." The statement "Meat from Feral Swine" must appear prominently on the principle display panel as described in 9 CFR 317.2(d)(1)(2) and (3). If the statement "Meat from Feral Swine" does not directly follow the term "Wild Boar," then an asterisk may be included with the term "Wild Boar" and the statement "Meat from Feral Swine" should appear prominently elsewhere on the principal display panel. "Wild Boar from Feral Swine," "Wild Boar Meat* *from Feral Swine," "Wild Boar (byproduct) from Feral Swine," are also acceptable product names.

In order to obtain approval for a product label bearing the name "Wild Boar from Feral Swine," or similar acceptable names, a statement describing and verifying the following physical and environmental characteristics typical of wild boar is required: color patterns such as white stripes or spots, longer bristly haircoat, elongated snout with visible tusks, a "razorback" body shape and wild boar males which are uncastrated. (We acknowledge both males and females under the term "Wild Boar.") The purchased hogs should be obtained from a nonrestrictive environment which permits foraging for uncultivated feed, natural selection and breeding and farrowing without confinement. A letter should be submitted with "Wild Boar from Feral Swine" labels describing the environment where such swine live and their method of capture or entrapment. These same criteria would also apply to imported "Wild Boar Meat from Feral Swine" and arrangements should be made through Foreign Programs for slaughter and export from approved establishments.

In multi-ingredient products, such as "Beans in Sauce with Wild Boar," the "Wild Boar" part of the product name must be followed by an asterisk and a statement "(Meat or meat byproduct) from Feral Swine" must appear somewhere on the principal display panel. The ingredient wild boar, wild boar meat, or wild boar byproduct, must be listed as "Wild Boar* ((Meat or meat byproduct) From Feral Swine)" in the ingredient statement in its proper order of predominance.

RATIONALE: There are an increasing number of products entering the market which purport to contain wild boar. The Agency recognizes that extensive interbreeding between domestic and European wild boar hog types occurs and thus dilutes any true wild boar line. However, the Agency recognizes that these hog crosses do have distinguishing characteristics resembling wild boar and it finds that "Wild Boar, Meat from Feral Swine" is an accurate labeling description of these hogs and the resulting pork.

United States
Department of
Agriculture

Food Safety
and Inspection
Service

JUN 10 1986

Policy Memo 098

To: Branch Chiefs, SLD

From: Margaret O'K. Glavin, Director
Standards and Labeling Division

Margaret O'K. Glavin

Subject: Labeling and Use of Beef Cheek Meat and Beef Head Meat

ISSUE: What guidelines should be followed for the labeling and use of beef cheek meat and/or beef head meat?

POLICY: This policy memo replaces Policy Memo 064. The following guidelines apply to the use and labeling of beef cheek meat and beef head meat:

1. "Beef Cheek Meat" refers to beef cheeks from which the glandular material has been removed.

2. "Beef Head Meat" refers to muscle tissue remaining on the beef skull after removal of the skin, cheeks, tongue, and lips. The meat normally attached to and considered as part of "tongue trimmings" when detached from the tongue trimmings may also be included as "Beef Head Meat" although it can be labeled as "beef."

3. When "beef cheek meat" and/or "beef head meat" is included in boneless beef their presence must be specifically declared. Examples include "Boneless Beef - Contains Beef Cheek Meat and Beef Head Meat," "Boneless Beef Head Meat." "Boneless Beef - Ingredients: Beef, Beef Head Meat, Beef Cheek Meat," or "Boneless Beef - 20 percent Beef Head Meat, 15 percent Beef Cheek Meat."

4. Beef cheek meat and/or beef head meat may be used in unlimited quantities and identified as "beef" in meat food products unless restricted by regulatory standards for specific products as indicated in 9 CFR 319.15, 319.81, 319.100, 319.300, 319.301, and 319.303.

RATIONALE: Beef cheek meat and beef head meat are considered to be beef and are used and declared as beef in most processed meat products. There are certain restrictions on the use of beef cheek meat and beef head meat and ingredient declaration is required for certain products by the regulations.

Since the use of the ingredient does not diminish the nutritional quality of these products beef cheek meat and beef head meat are included in the definition of beef which was published in a rulemaking proposal (48 FR 15927, April 13, 1983). Therefore, it seems appropriate that products containing beef cheek meat or beef head meat be handled in a uniform manner unless subject to specific requirements. Furthermore, since boneless beef containing beef cheek meat and/or beef head meat may be incorrectly used by a processor in restricted products, the boneless beef must be descriptively labeled to identify their presence.

☆U.S. Government Printing Office : 1986 -180-917/40708